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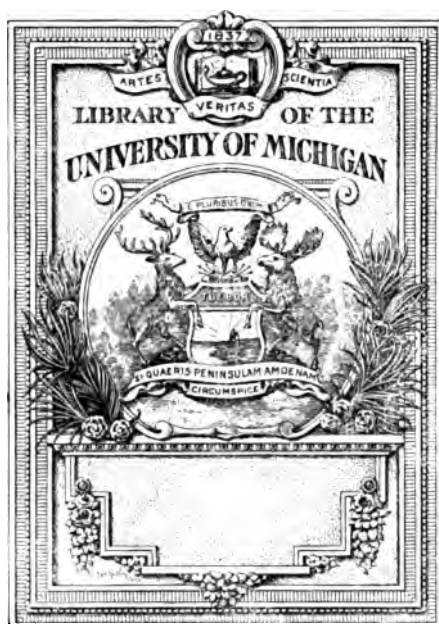
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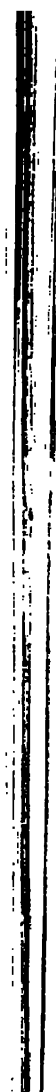
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AMERICAN HISTORICAL MAGAZINE

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NO. 1

THE HONORABLE MATTHEW FORSYTH [1699—1791] AND THE SCOTTISH INFLUENCE IN AMERICA.

BY THE VISCOUNT DE FRONSAC.

IN this age of democracy, chicane, and money-values, it is with relief that the historic eye ranges to the provincial, royal and feudal epoch of American history when wealth—of no-matter whom—has secondary consideration to merit, honor, and purity of race.

Now one of the foremost races of Europe at this time was the Scottish, whose basic principle is Gothic in the Franco-Norman origin of its chief families. The Stuart kings, themselves of this race, had given a charter to thirteen of the American provinces, beginning with Nova Scotia. It is true that a company of Saxons had settled in certain parts of the Lowlands of Scotland, but these Saxons were of small account in the civilization of Scotland, and from an ethnic standpoint have ever been deemed hostile to the character of the Scottish people.

When the first Scottish colony came to New Hampshire about 1719 and settled in Londonderry, it was sufficiently large to insure a continuation of purity of blood among its families by intermarriage. From that time up to 1776 parties great and small from Scotland and the North of Ireland occupied various localities, especially in Hillsborough and Rockingham Counties. The hostility of the Saxon or English puritan population already in New England against this noble race, whom they designated as "foreign", has been recorded in numerous town histories, provincial annals, genealogies, and biographies.

Cochran's "History of Antrim, N. H.," says that at Worcester: "In proportion as they (the Scots) flourished their English Congregational neighbors became jealous of them, called them foreigners, Irish, and so on". . . They destroyed the Scottish Kirk edifice, and as a result of other persecutions the colony

left Massachusetts and settled in Cherry Valley, in the feudal colony of New York.

“They had petitioned the General Court of Massachusetts for a charter of incorporation, but had been refused. New Hampshire, however, granted them the Londonderry incorporation in June, 1722. * * * The Indians respected the Scots, who treated them justly in their dealings, and the Scots were rarely molested by them, although on the outskirts, while they carried knife and fire among the more remote English Congregationalists, whom they could not respect. * * * In this, the Indians showed themselves less inimical than the puritan Anglo-Saxons, who took every opportunity to alienate into enemies the Scottish colonists. Even the New Hampshire Court called them a ‘company of Irish’ in spite of the indignant remonstrance of their chief, Mr. MacGregor. * * * They were obstructed in obtaining titles to their lands—certain influential men attempting to supplant them by securing grants of land in advance of them to keep them out”.

Some of this colony, with accessions from the north and west of Scotland, settled in Chester, N. H., as early as 1732 and from that date up to the war for American Independence in 1776. Some had resided for a longer or shorter period in the north of Ireland, and although not partizans of William of Orange, had been obliged to fight to maintain their lives and faith on the same side, when politically they were opposed to the unconstitutional regime which had called him over—to that gang of traitors and deserters of whom Marlborough and Sunderland were typical examples. The partizans of William of Orange knew that many of these Scots despised them as dishonorable men and for this reason were especially severe, through their parliament of England, on the Scots who abided for a time in the north of Ireland. It was on account of these repeated persecutions from the Orange adherents that they sold their possessions and crossed the sea, determined to fight any attempt to follow them into the New World.

The chief of this Scottish colony of Chester was the Honorable Matthew Forsyth. His own life illustrates that of the Scottish chieftains in the north of Ireland. Although born in County

*Introduction to Cochran's "History of Antrim, N. H.", pp. XXIII and XYIV.

Ayr, Scotland, in 1699, owing to possessions of his father's family in the north of Ireland, and the interests of relatives who had settled there from Scotland, his childhood and early manhood were passed on the Emerald Isle. His father, Captain James Forsyth, who had married Margery, daughter of Major Hugh Montgomerie of County Ayr (who had been one of the "signers for the king" in 1660) was in Ireland in 1689-90, where he participated, with other Scottish settlers, in resisting the religious fury of the Catholic Celtic Irish, who sided with King James only to exterminate the Protestants in Ireland, and not from any love for the Cause of the legitimate succession and constitution which King James represented in his person. In fighting against these native Irish Catholics for self-preservation, Captain James Forsyth and others like him were accredited for this stand with favoring the cause of William of Orange. The truth is, that the Scottish leaders in Ireland soon made known the nature of their former fight—that it was for self-preservation, and not for William and his gang; that the honor of most of them turned their faces to the legitimate and constitutional succession. Nor was it long after this before the English, or Williamite parliament, vented its wrath on the Scots of Ulster by devising all kinds of vexatious statutes against them until little by little they were forced out of the country to America. But that they carried vengeance in their hearts was illustrated afterwards at Bunker Hill and Bennington and Saratoga.

The Honorable Matthew Forsyth married, in Ireland, Esther Graham, daughter of Robert Graham, by his wife, Janet Hume, of Castle Hume, representing the Humes, baronets of Nova Scotia, and the Scottish Humes, earls of Marchmont. Robert Graham's family was related to what has become the modern family of Graham of Drumgoon, Maguiresbridge, County Fermanagh, Ireland, but claimed descent more intimately from the Grahams, earls of Stratherne, in Scotland. Robert Graham and the Honorable Matthew Forsyth came together to Chester, N. H., in 1732. Graham, who had lost a great deal in the wars of the North, commenced in Chester a forge and foundry for iron-repairing of all kinds, especially of muskets, pistols, and swords

—he having been bred to the use of arms and understanding their construction.

Forsyth, however, did not remain longer than to secure his new property, but returned to bring over his family. This was a difficult task, for members of his family had been connected with the Earl of Marr's uprising for the Stuarts in 1715-17, and a watch was kept by the usurpation in England for the partizans of the ill-fated legitimacy; but in 1742 he was able to bring them all over in safety together with most of their possessions and valuable family plate, stamped with the shield and cypher of the family.

In Chester, he invested by buying three mills, known as the saw-mill, the grist-mill, and the Worthen-mill. His wealth, education, and accomplishments, with his feudal ancestry, placed him at once in the lead in all matters representing the rights and privileges of the colony. These Scots had established the Presbyterian parish in Chester, and Forsyth represented their remonstrants many times, according to the local records, before the New Hampshire Government. "Chase's History of Chester" also says that he occupied the pulpit of the church during the absence of the minister, being the leading deacon thereof. His wife, as well, performed a great deal of charity work in the parish by assisting the sick and poor—for the family was looked to generally as the strongest and surest patron of the little colony.

But other dangers of a military nature were threatening. It has been seen that these Scottish colonies of New Hampshire were on the outskirts and nearer the French border of Canada. The Indians, who had been treated with honesty and justice in land-purchases and other transactions by the Scots, were friendly to them even when in arms against the dishonest and hypocritical, Puritan English of New England. But the French, who were beginning to show new signs of military unrest farther north were not likely to be influenced to so great a discrimination. At this point the Honorable Matthew Forsyth exerted himself for the common good. It was the representations of the Reverend Mr. McGregor of the Londonderry colony, who had

been in the country since 1719 and knew more of the situation, that convinced him and others of the danger menacing.

Forsyth was heir to the Seigneurie of Fronsac in the New Brunswick part of Acadia through the death of his relative there in 1732, with his wife and children, by an epidemic. Nicolas Denys, Seigneur de Fronsac, was this relative's name, and he was the son of Richard, the Governor of Gasparie and grand-son of Nicholas, the Governor of Acadia, 1654-1669, who had written the first "History of North America" in the French language, published in Paris in 1672. To Nicolas Denys had been conceded the seigneurie, or feudal lordship, of Fronsac in Acadia in 1687 in consideration of his relinquishing his claims on Cape Breton to the crown of France. The name Fronsac he chose for his feudal lordship from the name of the district and viscounty wherein had been built (on the tertre, or hill, of Fronsac) the castle of Forsyth, or Forsath, by Charlemagne, king of the Franks, in 796. The fief of this Frankish castle, which was the royal strong-hold of the district, was confided to the hereditary rulership of one of the family of Charlemagne, who gave birth to the first lords of Forsath, viscounts de Fronsac. In Froissart's "Chronicles of the Middle Ages" this castle of Forsath de Fronsac is mentioned, situated in Aquitaine, twenty miles above Bordeaux on the river Dordogne.

Not only this proof of descent of the Forsyths from the Emperor Charlemagne is had in the name Forsath-Fronsac, but again it appears in the first of the family arms recorded in Scotland. In Stoddart's "Scottish Arms," under the entry Forsyth, it will be seen that the family bore as arms in 1488; argent, a fesse gules, charged with three lozenges, or, between three crosses-crosslett, vert. Now in the history of ancient Fronsac, in France, it seems that the Frankish family of Angoulême had intermarried with the Forsaths in so intimate a way that both the families were involved in a struggle for the possession of the fief. In the XI century the castle of Forsath was destroyed. It was then, in 1030, that the count of Angoulême possessed one third of the property in right of his wife, who was a daughter of Grimouard de Forsath, viscount de

Fronsac, by his wife, Marie de Montenac, while Grimouard's mother was an heiress as well of the family of Angouleme. The shield of Angouleme is described as lozenge, or and gules, and the banner of Charlemagne, given in the book "*Les Drapeaux de France*" contains three rows of crosses-crosslett and two rows of roses. The shield of the Forsyths, then, as given in Stoddart's "*Scottish Arms*," is further evidence of descent from the early lords of the castle and of the original counts of Angouleme, through the last of the family, the cadet de Forsath, who accompanied Eleanor of Provence to England in 1224 when she became the wife of King Henry, and this cadet's son, William de Frisaith, was one of the feudal lords of County Peebles, in Scotland, who signed in acknowledgement of his lordship, the Ragman Roll of Scotland in 1296.

Descended from this William de Frisaith—by Robert whose son Osbert de Forsyth fought at Bannockburn for the Independence of Scotland, and whose son Robert was constable of the first military district of Scotland,—that of Stirling castle in 1368—was David Forsyth, baron of Dykes, claimant of the de Fronsac title in 1594. His eldest child, a daughter, married Captain Johan Denys, the Norman, of Honfleur, whose grandfather a captain Jehan Denys, had visited the St. Lawrence as early as 1506 when he made a chart of the gulf. This husband of Margaret Forsyth was a cousin also of Jacques Denys, sieur de la Thibaudiere of Tours France, who was a capitaine of the King's Royal Guard and father of Nicolas Denys, Governor of Acadia, before referred to. Nicolas Denys married Marguerite de LaFaye, of a Norman family of Tours and their daughter Marguerite married in 1652 at Honfleur¹ Captain James Forsyth, great-grand-father of the Honorable Matthew Forsyth, the subject of this sketch. Nicolas Denys, former Governor of Acadia had a brother Simon Denys who was seigneur de la Trinite, and Bonaventure in Canada, had been a captain in the celebrated Carignan Regiment and was receiver-general of the Company of New France in Canada. His posterity, who

¹Burke's "*Colonial Gentry*", Vol. 2, under entry of Forsyth of Montreal. It was Marguerite Forsyth, daughter of this Captain James Forsyth who married Walter Morsyth, Provost of Glasgow College.

were high in authority at this time in Canada and were relatives of Matthew Forsyth, served as intermediaries by which the latter, who in his own right was seigneur de Fronsac in Canada could obtain recognition of neutrality between the Scottish colonies of New Hampshire and the French in Canada.

From this time down to 1763, when Canada passed as a fief from the crown of France to the united crowns of Scotland, England, and Ireland, no hostile bands of French and Indians disturbed the Scots on their way to carry fire and sword against the puritan Yankees farther on. Reciprocally, no armed force from the Scottish colonists of Chester threatened either French or Indians during the same period. More than one historian attests the truth of this, but none so decidedly as Cochran in his "History of Antrim" although there he gives all the credit to Mr. McGregor, without pausing to consider how absurd would have been McGregor's appeal before the Catholic and Foreign French without the intervention of Matthew Forsyth, a seigneur of Canada in his own right, and related to the Franco-Norman leaders of that province.

After 1763 the atrocities perpetrated by the English and their Anglo-American allies on the French and Indians in Canada, which country now had passed to the British crown, caused retaliation by the Indians in which even the Scottish settlements suffered. At this period William Forsyth, son of Matthew Forsyth, served in the Colonial ranks, later as ensign, and was wounded and captured by the Indians. He was taken to the Indian camp in Canada, where in 1765 he obtained the chance of escape. He was then but a young man of twenty-five having been born in 1740. It is hardly probable that anything beyond some such menace as this would have caused families nursing memories of English wrongs to have taken arms under the regime then existing, which they considered a usurpation.

This usurpation in Britain from the Orange dynasty had been confirmed to the Hanoverian, in new and revolting atrocities against the legitimist Scottish cavaliers who had marched with Prince Charlie in 1745 and had been disbanded for lack of means to sustain their heroic stand after the desperate battle of Colloden—a battle won by the English by overwhelming

numbers and whose victory they disgraced by the murder of the wounded and the subsequent sale into slavery of those who were captured, who had been in arms, or who had even favored the cause of their own king and country. These things were known in Chester and in other Scottish colonies by the advent of some escaped participants in the heroic cause of legitimacy, and many an eye flashed as glances were cast from time to time at the ancient swords, pistols, and muskets arranged in their corners of the family room, or crossed over the mantle. The time was not far distant when those same arms were to be taken down in the same cause on this side of the Atlantic and against the same usurpation in Britain.

The charters of all the American provinces, with the exception of those of Canada, Acadia, and Louisiana, had been granted by the Stuart, or Scottish dynasty of Britain, and each charter made each province a fief of the crown in which parliament had no constituency. The provinces as fiefs of the crown, were self-governing, the king being a factor in the executive affairs of each, aided by a local council of the leaders, or chieftains of the established families, while legislation in conjunction with the king, represented by his governors and this council of the local landed, or feudal aristocracy, was the function of a provincial assembly chosen by the free-holders of the provinces. The parliament of the English people that, by revolution instead of by constitutional means, had overthrown the Stuart dynasty in Britain and had established on the throne the illegal rulership of the House of Hanover; that had destroyed the land-tenure system of Scotland and ruined thousands who were driven beyond the seas to America; that had worried the Scots of Ulster into the same exile because they were not pliant to servile parliamentary demands, now turned on the provincial charters of America to eradicate this last bulwark to its usurpations and what might be a menace to its own supremacy at home.

The proceedings of this parliament through its imposed and impersonating House of Hanover against the rights, as feudal fiefs, of the American provinces are well known. The petitions and remonstrances of the provinces were set aside. In the

words of that noble Scot of Virginia, the Honorable Patrick Henry, nephew of Robertson, the historian:

“Our petitions have been slighted, our remonstrances have produced additional violence and insult, and we have been spurned with contempt from the foot of the throne.”

The thought of that condition armed the minds of the proud and brave with resolution and steeled their hearts against their former connection with a degenerate and polluted empire. The various leaders of the provinces, who were not the satellites, hangers-on, and bounty-fed employes of the English regime in the Colonies, organized everywhere. Committees of Public Safety were formed to devise means of preserving their former rights, liberties, and privileges, which were assured them in the possession of their Stuart or Scottish charters. In this they were not revolutionists, but were protesting against the revolution which had unseated the Stuart monarchs in Britain being extended to America to unseat the charters which had been granted by that dynasty as the basis of constitutional government in America.

Matthew Forsyth was chosen President of the Chester Committee of Public Safety and brought his tried energies into play to organize the means of resisting by force the employment of force against the provinces in his locality. Not only was he instrumental in the perfect organization of the Chester company of the first New Hampshire regiment that marched under Colonel Stark, another gallant Scot, to Bunker Hill, but he was one of those Scottish associates who were ardent to have the exiled King Charles III (formerly “Prince Charlie” of 1745) come across the sea and raise his standard in America in the cause of the integrity of the American provincial charters which recognized him as king in their just interpretation. Washington Irving states that Sir Walter Scott told him that in the Royal Family papers in Windsor Castle is some of the captured correspondence between the Scots of America and “Prince Charlie” to this effect. Matthew Forsyth was opposed to mobocracy or democracy as much as to parliamentarism. He considered that “a royal form of government is best con-

ducive to the health and stability of families and to the general prosperity of the people."

These Scottish associates and other legitimists in America took as their badge the white cockade and the mountain eagle, in memory of the white cockade of the Stuarts, and the Order of the Mountain Eagle founded in Scotland in 1745 by "Prince Charlie" for his adherents in the cause of the ancient constitution. This mountain eagle was in the arms of the family of De Ergardia, lord of the Isles, to whose scion King Robert Bruce exclaimed at the battle of Bannockburn "Lord of the Isles, my trust is in thee!" It was to honor the most powerful chief of his Scottish adherents in 1745, who bore by descent from the lords of the Isles the eagle of the Ergardias, that "Prince Charlie" chose this imperial emblem. In the name of the same cause, in the Stuart charters of America and for the independence of the same from the revolutionary designs of the English parliament, the mountain eagle of the Ergardias was worn in America by many of the Scottish and other soldiers—and finally became the emblem of the United States. One of these eagles, worn at Bunker Hill in 1776, is in a public historical collection at Boston, owned by Mr. Baker of the New England Historic Genealogical Society.

It is universally conceded and allowed that before the adoption of the United States Constitution in 1787, there were three parties in America, all on the side of the charters, with one party only opposed. The opposition need not be spoken of, except that its members were the officeholders, parasites, and hangers-on of the corrupt parliamentary regime that had been imposed on the provinces, and had no opinion outside the graft and salary of office. The next party were those who desired the union of the empire, provided the provincial charters were secured from parliamentary infringement.

In 1778, after the London parliament, finding that force had failed, withdrew all its obnoxious acts against the provinces as fiefs of the crown and not its constituencies, this party demanded of the other two parties to recognize the apology of parliament and return to their allegiance. At the same time it withdrew from the armies and navy of the provinces and

attempted by forming loyalist corps to act with the parliamentary troops, to coerce the other two parties in the Colonies. On the falling through of this attempt, being pushed into exile, by the resentment and proscription of their successful opponents many of them under the name of United Empire Loyalists settled in Canada after the war, in 1783.

Of the two other parties both for Independence, one was royalist, the other republican. Matthew Forsyth was with this royalist party, as were all the members of his family and their high minded and honorable associates. Without this party, there never would have been an American independence. Without the support of the Stuart adherents—in the meaning of the Stuart charters, for whose integrity the war was waged, —who wore the white cockade and the mountain eagle of the Ergardias, it is certain that France, Spain, and Holland, the national allies of the Stuarts, the only nations that recognized the legitimacy of the Stuart cause, would never have assisted the radical republicans of the colonies to deceive the world with a fancied heroism under which guise they robbed the colonies, repudiated the charters later in the constitution of 1787, as well as the treaty with the crown of France, after their own object was attained.

It is useless to go further than this utter lack of honorable consideration on the part of the republicans in America. To their party flocked those of a similar mind, who were only stimulated by the thought of gaining an office for their votes. From that time the white cockade gave place to the black one of the Federalists and the red one of the republicans. But the imperial eagle was made the emblem of the republic, in spite of John Randolph's suggestion that a goose would be more suitable. As for the royalists, they were as much surprised at the baseness and perfidy of the republicans as was the king of France. And the king of France was so little inclined to credit the fact that he was warming a democratic viper into life to bite him to death, that for services during this war to both French and Americans, he erected the marquise of Alainville in Northern New York and bestowed it on Chartier de Lotbiniere, in 1784. But in the persons of Thomas Paine

and Thomas Jefferson the viper of a democracy entered France to found there the Sons of Liberty, for the purpose of cutting the throat of the king who had set them free!

Patrick Henry in the convention of Virginia denounced those who framed the republican constitution, since, as he said, "they were commissioned to amend the old system—not to create a new one."

President Loundes of South Carolina declared that he wished for no better epitaph than "Here lies the man who opposed the constitution of the United States because it is destructive to the liberties of America." Madison, Greyson and Mason of Virginia attested that republics and governments by majority rule "oppress more than monarchies," and Alexander Hamilton reaffirmed it.

But the fact is, no party was free to form a new government, since all parties had bound themselves by their oaths and "lives, fortunes, and sacred honor," to maintain the integrity of the provincial charters. Any government that was formed had to be formed within the meaning of those charters, else it was a most sinister breach of faith to those who had stood in arms for their defence against the usurpation in Britain, and had gained allies for their maintenance in France, Spain, and Holland. It was a revolutionary proceeding on the part of demagogues backed by the rabble of the colonies to defeat the purpose of the war for independence and to rob the patrician families in repudiating the indebtedness due them in loans and securities. and in legislating to deprive them of their rights of succession and representation within the meaning of the old charters. The formation of the government of 1787 commenced the American Revolution.

From this time forward, with this revolutionary regime, the main line of the Honorable Matthew Forsyth had nothing to do, and some members of the family repudiated it *in toto*. But his nephew, Major Robert Forsyth, who had been deputy quarter-master general of the southern army in 1778, settling in Georgia, found local circumstances so favorable that he accepted the post of United States Marshal. His son, John Forsyth, Governor of Georgia, minister to Spain, United States Senator,

etc., was secretary of state from 1834 to 1841, dying in office. He introduced the culture of Nankeen cotton into America. In 1861, when the southern states fell back on the interpretation of the provincial charters for home rule against the democratic inroads on their institutions, John Forsyth, son of Governor Forsyth, was one of the three confederate commissioners to treat with the Lincoln administration for a compromise, failing which he became chief of staff of the confederate army of Tennessee, and was author of the "Proclamation of the South to the People of Kentucky," when that army entered that state in 1863.

Going back to the Honorable Matthew Forsyth; it was his uncle, Captain Alexander Forsyth, who came to Boston before 1716 and assisted with his energy and ability the enterprises of that town. He was a selectman, captain in the troops, Indian commissioner, and commissioner to plan the fortification of Boston Harbour. After 1763 he retired from the scene, going back to County Ayr in Scotland. There Matthew Forsyth's brother, another Alexander, had remained, and gained quite a reputation as a civil engineer; from him was descended not only Sir John Forsyth, who organized the Bengal medical department of the British army, and was surgeon-in-ordinary to Queen Victoria, and his son, major-general Alexander Gregor Forsyth of the Bengal staff, but Dr. Alexander Forsyth, whose invention of the percussion lock and fulminate revolutionized the science of modern warfare.

Of the Honorable Matthew Forsyth's children, the following will show their record:

I. Dr. Matthew Forsyth went as physician in the Royal French Navy before 1774.

II. David Forsyth, an ensign in the Chester company, was killed at Ticonderoga in 1777.

III. Johnathan Forsyth, a soldier in the Chester company, was wounded, and died in 1778.

IV. William Forsyth was an ensign in Indian war of 1763-5 and was wounded; he was a minuteman in 1776; one of the founders of the Derry Public Library.

V. Josiah Forsyth was a lieutenant in the war of 1776.

VI. Robert Forsyth was a lieutenant in the war of 1776,

It was on the family of William, the fourth but eldest surviving son of Matthew Forsyth, that the de Fronsac possessions devolved, with seigneurial rights in Canada, which have been maintained by his rescendents to the present day. This William Forsyth married Jane Wilson, daughter of James Wilson, surveyor of Chester, of a Scottish family from Ulster, whose wife was Mary Shirley, daughter of John Shirley, by Carr. The Shirleys were descended from Sir Hthomas Shirley, of 1592, of the same family as Sir William Shirley, one time British commander-in-chief in North America. Chase in his "History of Chester," declares her to have been related to the countess of Huntingdon. This branch of the family maintains its Scottish nationality and connection with the feudal title of de Fronsac both in Scotland and in Canada. Thomas Forsyth, was a son of William Forsyth, born in Hillsborough County N H., was educated after his tenth year under his uncle's charge, Dr. Matthew Forsyth, in France, and was a cadet officer in 1792 at the age of 17 in the royalist army, *emigres*, at the siege of Thionville. He returned to America in 1800, to Canada, and had an office in the West India Trade in Portland, Maine, with connections in Savannah, Ga., and St., John's, New Brunswick. His posterity are the Scottish holders of the title of Fronsac and the representatives of the old barony of Dykes in Scotland.

A PICTORIAL HISTORY OF LINCOLN

A series of Lincoln pictures, constituting a pictorial history of the martyr president will be a feature of the **AMERICAN HISTORICAL MAGAZINE** during the current year. These prints from steel plates comprehend the life of Lincoln from his boyhood days and the time that he first appeared in public life until his death. Many of these prints are exceedingly rare, produced from plates that have long been out of public sight; and all of them are of exceptional value to every student of American history.

In the current number of the magazine appears the Lincoln portrait of 1857, the last known existing portrait of the president without a beard. In the same number is the campaign portrait of Lincoln of 1860 and a cartoon relating to the victory in 1860. These three will serve somewhat to indicate the general character that this pictorial history of Lincoln will take. As a whole, it will present numerous portraits of Lincoln, many of them now well-nigh forgotten, views of events in Lincoln's life, groups of the president and his friends or government officials and other Lincolniana.

The Lincoln cartoons will not be the least interesting prints in the collection. These are reproduced as essential to the adequate showing of the spirit of the period to which they pertain. As works of art, they are unquestionably crude, and as expressions of the temper of the anti-Lincoln element of the population, many of them are exceedingly distasteful in character. They seem almost entirely devoid of the purely humorous spirit which infuses the cartooning of the present day and saves that art from much of the offensiveness that would otherwise attach to pictorial criticism of public men. In these cartoons of the civil war period we see only the animosity and the bitter spirit of the time, without much of real wit or humor to enliven it. Nevertheless, they are essential to any comprehensive representation of the pictorial expression of the spirit of the era in which they were produced.

LINCOLN IN 1857

FROM A PHOTOGRAPH BY HESSLER

One day a prominent member of the Chicago bar called upon Hessler, who at that time was the leading photographer in Chicago and stated that he thought that the members of the bar of the State of Illinois would be delighted to have a good photograph of "Abe" Lincoln and suggested to Mr. Hessler that he make negatives of Lincoln and sell prints therefrom to members of the bar at \$1 each. Although this was an unusual request, and Mr. Hessler knew nothing of Mr. Lincoln, not even at that time knowing who the man was, he consented, and made an appointment for a sitting.

Before the sitting Lincoln had been to a barber shop to be shaved and his hair was plastered down upon his forehead with oil, as was customary at that time. As the photographer was focusing the camera, Lincoln became uneasy. Finally he arose and went to a mirror; looking at himself in the glass he said, "The boys down in Sangamon would never know me this way," and he ran his hand through his hair, brushing it off his forehead until he presented the unkempt appearance of this picture.



POST REVOLUTION LETTERS

FROM UNPUBLISHED MANUSCRIPTS OF THE MAGAZINE OF
AMERICAN HISTORY

JOHN WATTS JR TO OUDTHOUT & RENSELAER

Communicated by C. E. Van Cortlandt

New York 27 Aug 1785 [Post Sev]

Messrs Oudthout & Renselaer

GENT. I am requested in behalf of Sir John Johnson, to make application to you for a particular Abstract of such sales of his Estate as have taken place, since the last was furnished and for what Money or securities and that the same be properly authenticated before a Notary, in order that it may be laid before the Board in London. I must also request a like abstract of all the property late of Mr James De Lancey which has been sold in your district particularly specifying the time when and for what Money or description of Certificates, I beg your early attention to this Matter and That you will acknowledge *the Receipt* of this Letter—all Expenses I will pay & am Gent, your humble Sev

J. WATTS JUN.

Messrs Oudthout & Renselaer Commissioners of Forfeiture, Albany.

ROBERT YATES TO JELLIS FONDA

Communicated by F. H. Roof

Schenectady May 25th 1786 DE SIR The Bearer hereof General Baron Steuben and young Mr. Morris a son of General Morris are on their way to Fort Stanwix, the former in order to make a Location of 16000 acres of Land Northward of your purchase, in consequence of a grant

from our Legislature to him in their last Session as a gratuity for his merit and Service during the last war I take the Liberty of recommending him to your notice—any information or services you can afford him will be gratefully acknowledged by me. My respectful compliments to your family and remain Dr Sir Your most obedient hble Servant

ROBERT YATES

Major Jellis Fonda
Cagnuage

LAFAYETTE TO WASHINGTON

Communicated by Justin Winsor

The following letter is printed from a copy made under Lafayette's direction for Jared Sparks and now in the Sparks collection in Harvard College Library.

A true copy. The punctuation follows the original copy. One or two queries in the margin in pencil touch obscurities in the MS. There are two side notes (*) as given in this copy.

JUSTIN WINSOR.

Paris November the 11th 1783. MY DEAR GENERAL. However scarce are American letters, yet as the eyes of the world are fixed upon you, I now and then hear what becomes of my dear General, your visit to Congress, your stay with the army untill the treaty arrives, your having been voted a statue, are events which are known to every one and felt by me; so that what to every one is an information, to me proves to be a cause for the most tender emotions. But now My dear General, that you are enjoying the sweets of retirement, I hope your absent friend will be somewhat benefited by it, and your letters cannot but be more numerous than it were possible to have them in your busy times, the convenience of those packets is peculiarly precious to me and I earnestly beg you will every time enable me to bless the opportunity. The gazette I have to present my dear General, is not very interesting. Ottoman disputes appear for a while to an end. Russia will keep what she has got, the emperor stands ready, but will not move for

the present, as to the Turks, lucky they are not to be attacked, the King of Prussia is quarrelling with Dantzick that he may have an opportunity to take hold of that city. Spain has made a ridiculous bombardment of Alger, for which every body and the Algerians too have laughed at her. France is exerting herself to preserve good harmony is the last *ward*, [word] and for the present Count de Vergennes seems to have well succeeded, as to England she is much engaged in disputes with Ireland, and very jealous of the Irish volunteer association. Mr. D'Ormesson, the financier is out of place, and in *lieu* of him a M. de Laborne has been named. The queen was lately pregnant, but has had a miscarriage.— Such are the present news at the court of France.

My last letter from America is dated August the 20th, the place of residence for Congress had not been yet fixed upon. I hope my dear General your letter to the States will have a good effect, the most I think of it, the more I examine European nations, the better am I convinced that American glory, consequence, wealth and liberty depend upon a *light* [right] well framed federal union. At the same time it is to be hoped, our virtuous army will not meet with ungrateful proceedings, every honest breast, unless greatly misled must be shocked at the idea. I am very impatient to hear what has been done. in the meanwhile, I am collecting and my exertions are bent upon representing what may be the opinions of every American merchant within my reach more advantageous in mercantile regulations.* this government is well disposed to America, and it is far from being the case with the ministers of Great Britain. Mr. Jay, Mr. Adams and Mr. Laurens are in England. Many English gentlemen have been flocking to Paris. Some of them eminent characters, and by some I have been told that I should be sent with the definitive ratification a rumour for which I cannot account.

I am waiting for letters from you, for orders from Con-

*For tho one cannot hope for a complete success, yet it pleased me to think that some good measures may be influenced by a proper Representation.

gress—it is also the case with the commissioners. untill despatches arrive, we cannot know our fate. but nothing in the world can prevent my going in a little time. as you know what has been written to me, you can better judge what I will do. but it is at least certain I shall in a few months embrace my dear General, spend with him the Spring and Summer, and most earnestly intreat him to let me accompany him to France where his presence will excite the most enthusiastic and affectionate transports.—don't be angry with me Madam; for you must come too, take along the young girls, and then all will be perfectly right. Oh! that you [I] were at Mount Vernon, by the side of my dear General, reminding him of his past labors, and their glorious happy conclusions! it melts my heart; only to think of it. I feel uneasy, and what I want, I know to be a voyage to the free, the beloved shores of our America. Mme de Lafayette, my three children are presented to you with the most tender homage to yourself and Mrs. Washington. Your George is in perfect health.

My best respects, my most tender compliments wait upon Mrs. Washington. Be so kind, my dear General, to remember me to the inhabitants of Mount Vernon.—to George, to the family of Hdges, and all my friends,—adieu, adieu my dear General, it is not without emotion that I present you with the affectionate respects of your &c.

LAFAYETTE

SAMUEL MEREDITH TO HIS WIFE

Communicated by J. Meredith Maxwell

I

[*New York*] *July 1. 1790 10 O'clock in night* DEAR PEGGY
 * * * * * The grand affairs was to day passed thro the Senate and is now ready for the House to act upon which will be laid before them tomorrow— 10 years residence in Philadelphia and permanently at the Potomack—thus far I give you joy on. I have myself little doubt

that it will pass in the House of Representatives and then the signature of the President will make it complete at which no one has a doubt of as he has a predilection for the Potomack and no dislike to Philadelphia— Thus I hope that all my wishes will be accomplished, that is to be with you and those I love when you will have to take care of your trees, improve the grounds and be as happy as any Princess with your family around you— I dined this day with Mr Harrison where I sat at the right hand of the Lady of the House, who was not able to bear the Removal of Congress with all that “sans froid” she possessed. To relieve her I talked of the pleasantness of New York and its environs, and how happy I would have been if I had not you and the Natale Solum and the Estate were not at Philadelphia. She was a perfect woman, alive to all the feelings of a New Yorker which I cherished tho I think she was a little too tart and tremblingly alive for a perfectly well bred woman, these two of the great opposing Parties were likewise Morris and Schuyler— Some hot and hasty words passed, in which I think Schuyler was wrong. I suppose he remembered with pain his having broken faith last session, which would have ensured to New York, at least, a temporary residence, of Congress, for three years— Honesty I believe through ever scene of this life is substantially the best policy and he no doubt regrets that he did not practice what was right as it comes home to him now. Lambert [Cadwalader] is well and is enjoying the victory. I left him about a half hour ago, and immediately set about writing you which has brought me to 11 O'clock at night the time for going to bed, so God bless you.

S[AMUEL] M[EREDITH]

MRS S MEREDITH

Green Hill near Philadelphia

The candle bad as is the pen so that I have not had time or inclination to read what I have written, which is no doubt hodge podge, of which you will make out what you can! It is extraordinary that you did not send the things to Mr. I

Fitzsimmons. The nankeens I did not want but do my shirts as some of those I have are Very bad

II

New York July 7. 1790, MY DEAR PEGGY, We arrived here yesterday between one and two in good health, every thing remained in the same unsettled State it was when I left this, the whole day yesterday was taken up in debates in which the Ingratitude of Congress, was pointed out & every move taken to set the Gallery in a ferment but I believe nothing of this kind or any thing else will do unless some persons who are depended upon should fall sick— I hope you are better and stronger than when I left you & that Bess has got well of her swelled face I have just been bathing in the North River & felt very comfortably after it— I shall immediately after finishing this go to Mr Morris to breakfast with the President, so God bless You and the family
Yours

SAMUEL M(EREDITH)

MRS MEREDITH

Green Hill near Philadelphia

III

[*New York*] *July 14, 1790* MY DEAR PEGGY, I recd your letter of the 11th, & am rejoiced to find that the news had acted so favourably on your health & Spirits, the President has not yet put his name to the Bill & there has been a piece addressed to him on the unconstitutionality of it which I believe will have very little weight with him, however I confess on many accts I should wish it done, in the first place it would tend to make up the minds of the people here to a removal, it would likewise enable our people to begin their operations for the accommodation of Congress which I am very much afraid they will do in a nigardly way. I wish I may be disappointed, for if they do, the Contrast between the New Yorkers and us will be remarkable, for they have certainly gone to an enormous expense, the half of what they have & are laying out would answer the purpose as

well and as we are twice as large and rich it would fall but a fourth part as heavy on the Community— I have wrote to Mr Hill on the Subject thinking he as well as the Philadelphians want a little Spurring— The necessary articles must be bought at any rate and the expence attending the back part of the House is necessary for the Winter season & the front alteration wont cost much so that you have occasions for both being done, how far they are satisfactory is another point— As to purchasing lands abt me I have not any thoughts because I am sure I could make 4 times as much by Lands in this State, therefore I shall reject that scheme—so you see I relieve you of some of your doubts & anxieties— When this Residence point has the presidents Signature & my accnts of the last Quarter are settled I shall try to return home & then can think what is necessary to be done— Love to all Your

S[AMUEL] M[EREDITH]

MRS MEREDITH

Green Hill near Philadelphia

AARON BURR TO CHARLES BIDDLE

Communicated by Robert E. Roberts

N York 21 May 1793 DEAR SIR It is with great surprise that yesterday I met your nephew in the street— I had called at his lodgings the day before I wrote you & was told that he had left Town, which indeed was true, but it was only on an excursion to Long Island. I however, taking it for granted that he had returned to Philada. made no further enquiry. I fear you will have imagined that some accident had befallen him on the road— It gave me great pleasure to see that the congratulations to Mons Genet and the public expression of our attachment to the liberties of the French, had the Sanction of your name— Your nephew will tell you what our dispositions here, are on these subjects— I am Dr Sir Your Very Affectionately

AARON BURR

CHARLES BIDDLE ESQR

WILLIAM ELLERY TO OLIVER WOLCOTT JR

Communicated by Charles Bruff

Newport State of Rhode Island &c October 3rd 1796 SIR—
 I have received your private confidential Letter of the 23d of the last month, and notwithstanding the delicate situation in which your request has placed me I shall mention such persons as have occurred to me as the most proper Candidates for the important office of District Judge. They are Benjamin Bourn Esqr of Providence and Asher Robbins Esqr of this Town— The former is sensible, has been long conversant with the Law, and of course must be well acquainted with its general principles;—and as he has been repeatedly a Representative to Congress his political sentiments, and manners cannot be unknown. The latter who has a family and real estate in this town, was for several years a Tutor of Providence College, and in that station as I am informed, sustained deserved reputation. After quitting the College, he studied Law, has been in The practice of it between five and six years, and by application, and being possessed of clear and acute discernment, has acquired a large share of Law Knowledge. He is of a good disposition and a firm Federalist. I have been the more particular respecting Mr Robbins because he has not had an opportunity to be much known out of this State. Whatever pretensions the other Lawyers in and about Providence may have to the office of District Judge I am well satisfied that neither of them has equal pretensions, nor would be so agreeable to the inhabitants of that town and the people in general as Mr Bourne and I am confident that of the gentlemen of the Bar in this Town and Quarter no one is so well qualified for that Office, nor so well esteemed in this town in the town of Providence and the State at large as Mr Robbins. I am with great respect Sir, Yr most obdt Servant WM ELLERY
 O. WOLCOTT JR ESQR

GOV JOHN JAY TO COL EBENEZER STEVENS

From the Stevens Papers in the New York Historical Society Collection

Albany 20th March 1798. SIR—The Information requested in the enclosed Resolution of the House of Assembly of the 19th Instant, ought to be ample and accurate; and that nothing may be omitted to render it so, I think it my Duty to request you to come to Albany, and bring whatever Documents and Papers may be requisite to that End. The sooner the better, for the Session draws towards a Conclusion—this will put you to Trouble and Expense; but as in my opinion, you ought, so I think you will be indemnified— I am at this moment so much pressed by other affairs that I cannot enlarge I have the Honor to be— Sir
Your most obdt Servt
JOHN JAY

COL. EBENEZER STEVENS

*State of New York.**In Assembly March 19th, 1798.*

Resolved, that his Excellency the Governor be requested to cause to be laid before this House, an estimate of the Sums necessary and means to be adopted for putting the City and Port of New York in a respectable State of Defence; and that he be also requested to inform this House, whether there be Grounds to expect the co-operation of the Government of the United States in defraying the Expense attending this object.

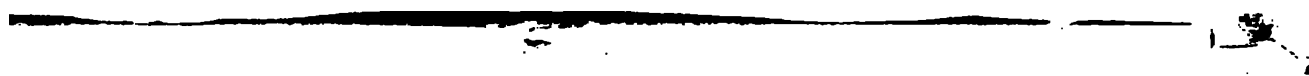
By order *James Van Ingen, Clk.**(To be continued.)*

LINCOLN IN 1860

FROM THE CAMPAIGN PHOTOGRAPH BY HESSLER

After the nomination of Lincoln for the presidency in 1860, a member of the National Republican committee called on Hessler of Chicago and secured the photograph of 1857 to use for campaign buttons of the future President. After 200, of these buttons had been made, a prominent Republican congressman from the east, who had received one of the buttons protested. He declared that the Democratic candidate, Stephen Douglas, was a man unusually tidy in his dress, and that Lincoln's unkempt appearance and general untidiness in the portrait would seriously affect the Republican party in the east where the opposition was already deriding him and calling him a "clod-hopper." The National committee thereupon requested Mr. Hessler to make another portrait of Lincoln to be used for campaign purposes. This request was communicated to Mr. Lincoln who replied, stating that upon the advice of his friends he had decided to remain in Springfield until after the election but that if Mr. Hessler would come to Springfield, he could take all the photographs that he desired. Mr. Hessler did so and the result of these sittings was this portrait of Lincoln, the last photograph taken before he began to grow a beard.





THE STOLEN PLATE.

BY T. J. CHAPMAN.

IN the month of June, 1749, the Chevalier de Celoron was dispatched by the governor-general of Canada to take constructive possession of the Ohio valley in the name of the king of France. He was to do this by passing through the country and depositing, at such points as he should think proper, leaden plates suitably inscribed, as the manner of the French was in laying claim to any newly acquired possessions. He had under him a company consisting in all of two hundred and sixteen whites and fifty-five Indians. They left La Chine, in the neighborhood of Montreal, and made their way westward by the St. Lawrence and lakes Ontario and Erie to a point on the shore of the latter lake, where the village of Barcelona, New York, now stands. Here they turned their course towards the south.

Celoron was provided with at least seven leaden plates. We do not know that he had any more. They were about eleven inches long, seven and one-half inches wide and one-eighth of an inch thick. They all bore the same inscription, the letters stamped in capitals, with blanks in which to inscribe such names of places and dates as should be necessary. The first of the leaden plates which they prepared to deposit was spoiled by inserting the name Chautauqua instead of Conewango. This plate, some time afterwards, fell into the hands of the English. It bore the following inscription:

"In the year 1749, during the reign of Louis XV., king of France, we, Celoron, commander of a detachment sent by the Marquis de la Galissoniere, commander-in-chief of New France, to restore tranquility in some savage villages of these districts, have buried this plate at the confluence of the Ohio¹ and Tcha-

1. The Allegheny was always considered by the early French voyageurs as the upper part of the Ohio. They also frequently called it Belle Riviere, or the Beautiful River.

da-koin² this twenty-ninth of July, near the river Ohio, alias 'Beautiful river,' as a monument of our having retaken possession of the said river Ohio and of those that fall into the same, and of all the lands on both sides as far as the sources of the said rivers, as well as of those of which preceding kings of France have enjoyed possession, partly by force of arms, partly by treaties, especially by those of Ryswick, Utrecht and Aix-la-Chapelle."³

In December, 1750, this plate was delivered to Colonel William Johnson, at his residence on the Mohawk, by an Indian chief, and shortly afterwards it was sent to Governor George Clinton of New York. The Indians represented that they had stolen the plate from Joncaire, one of Celoron's officers, at Niagara, "when on his way to the river Ohio."⁴ This story, however, is quite improbable. Let us examine it.

It was the fifteenth of June that the expedition set out from La Chine.⁵ On the sixth of July they reached Fort Niagara, and on the sixteenth of the same month they arrived at the point on the shore of Lake Erie where they turned southward. After a very tedious, toilsome and somewhat perilous passage, they arrived about noon, July 29, at the confluence of the Conewango and Allegheny. They crossed the latter stream and landed on the left bank, nearly opposite the present town of Warren. Here they determined to deposit the first plate; but in filling in the names the name Chautauqua was erroneously inserted in the place of Conewango. It was such an error as, under the circumstances, might easily occur. The party had only recently navigated both streams, and in the mind of the artist both names were present, and he inadvertently inserted the wrong name. The error, we may believe, was quickly detected, perhaps by the keen eye of Celoron himself. The plate was spoiled and was thrown aside as useless. Another plate was at once prepared .

2. Chautauqua, formerly written also Chatacoin, Jadachque, etc., etc.

3. This is the translation of the inscription as it is in the Colonial Records of Pennsylvania, volume 5, page 510.

4. Letter of Governor Clinton to Lords of Trade, December 19, 1750.

5. See article by O. H. Marshall in Magazine of American History, volume II., pages 129-150. Mr. Marshall's article is valuable, though marred by serious errors of fact in regard to distances, places, etc. These have been discussed by Reverend A. A. Lambing, A. M., in Historical Researches in Western Pennsylvania, volume I., pages 7-31.

and buried "at the foot of a red oak," as Celoron has recorded it, on the left bank of the Allegheny, opposite the mouth of the Conewango. This latter plate has never been found. Celoron's party likely remained here until the next day, when they proceeded on their way down the Allegheny. Some months afterwards, we will suppose, some straggling Indians passing the spot where Celoron had encamped found the plate that had been thrown aside and carried it off. Such we believe to be the true history of the affair. That the Indians stole the plate from Joncaire, at Niagara, we think altogether unlikely, for the following reasons:

First, the mere improbability of the thing. The Indians who were in Celoron's party, or who were in league with the French, would not likely steal it; in the first place, because it was a thing that would be of little value to them if they had it; and because to steal it would have been such a breach of trust and friendship as they would not have been guilty of. Other Indians than those above specified would have no opportunity to steal it; besides they were alarmed by the expedition and kept aloof from it as much as possible; so much so, in fact, that at one town, believed to be Shannopins, where Pittsburgh now stands, all the inhabitants fled at the approach of the French, "except three Iroquois and an old woman who was regarded as a queen." Evidently they showed no disposition to loiter about and pilfer from the French camp.

Secondly, the Indians who brought the plate to Colonel Johnson were very much exercised over it, and very anxious to know the meaning of "the devilish writing," as they called it, on the plate. Now, it is inconceivable that if they were in such a frame of mind they would have retained the plate in their possession for nearly eighteen months before attempting to learn the meaning of it. It is very much more likely that they did not have the plate long in their possession, but hastened off with it to Colonel Johnson, the agent of the English among the Indians, to have the matter explained. We infer, therefore, that the plate was not found until the latter part of the year 1750, or more than a year after it had been thrown aside by the French.

In the third place, so far back as the sixth of July, when the

expedition was at Niagara, they could not certainly have known that they would be on the bank of the Allegheny river, and prepared to deposit the leaden plate on the twenty-ninth of July. They had not been over the route before. Their way was beset with difficulties and dangers. Their progress was evidently much slower than they had anticipated. They could not predict with certainty that they would arrive there on the twenty-ninth of the month, and not on the twenty-fifth or the twenty-seventh, or any other particular day, and hence it would not occur to them to insert a specific date, so long before, and at a distance so remote, in a leaden plate, which they would know could not be changed if the facts in the case should afterwards require it. This consideration alone, we think, amounts to a moral demonstration that the plate had not been stolen, as reported by the Indians.

But the question may arise, why should they say they had obtained it in this way if they did not? We can only answer that possibly the Indians who first came in possession of the plate, did not so report. It may have been several weeks in reaching Colonel Johnson, and it may have passed through many hands while in transit, and as there was no written record of the manner in which it had been obtained, the true account may have been lost or perverted in the meantime. In short, it may have been only a variation of the old story of "The Three Black Crows." Or otherwise, while it may not be necessary to assume that the Indian is abnormally untruthful, yet, under certain circumstances, he may so far resemble his white brother as to be led into a misstatement of a fact, if he believed that the result would somehow redound to his own glorification or advantage. To the mind of the savage it might have seemed much more in keeping with the character of an Indian brave to steal the plate from an enemy, or to procure it "by some artifice," as they reported it to Colonel Johnson, than to obtain it in any such simple, matter-of-fact way as picking it up from where some one had thrown it.

Why they should represent that they had stolen the plate from Joncaire, rather than any one else, may not be a difficult question to answer. Joncaire was well known to the Indians

of Canada and New York. He had been adopted by the Senecas, and in their council they called him "our child Joncaire." He was a brave, resolute, enterprising man, and his name occurs more than once in the annals of those times. He understood the language of the natives perfectly, and had great influence among them. He, no doubt, had charge of the Indians attached to the party. An effort had been made to enlist a larger Indian contingent, of which he was to have had the command,¹ but it was not successful. The other French officers were, perhaps, unknown, or but little known, to the tribes of western New York. Joncaire, as we have seen, was well known, and to their minds represented the expedition. To say, therefore, that they had stolen the plate from Joncaire, was equivalent to saying they had stolen it from the French.

From the foregoing considerations we are led to the conclusion that the leaden plate was not stolen from Joncaire, at Niagara, on July, 1749, but was found at the mouth of the Cone-wango in the latter part of the year 1750.

1. See Letter of Governor Clinton to Governor Hamilton, July 24, 1749, in *Pennsylvania Archives*, Vol. II., page 32.

POLITICAL CARTOON OF 1860

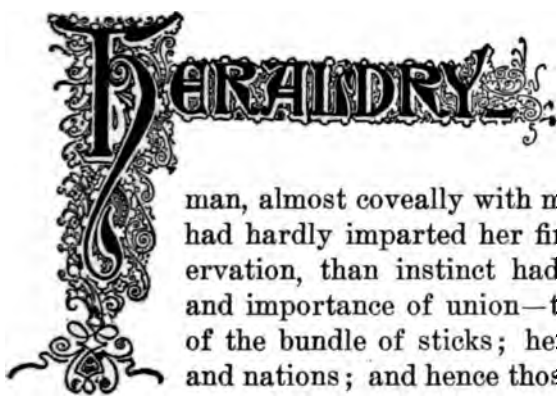
A half century ago the cartoon had not attained to the dignity and importance that now pertains to it. The mediums of reproducing and of publishing that in later years have combined to encourage and develop it, did not then exist. Comparatively few of the cartoons of the civil war period were printed in the newspapers of the day and almost none of them had any artistic value. Most of them were made for the print sellers and were coarse in spirit and crude in execution.

The cartoon facing this page was of that character. It appealed to the jubilancy of the victors in the presidential campaign of 1860. We see Lincoln as the successful base ball player with Douglass, Bell and Breckenridge wondering how it all happened. The little animal in the foreground is a reminder of the time when the defeated ball team was not "whitewashed" as now, but was "skunked."

ORIGIN AND ANTIQUITY OF HERALDRY.

ITS SYMBOLS DEFINED—ITS SENTIMENTS EXPRESSED AND APPLIED
TO ARMORIAL BEARINGS.¹

BY HENRY WITTEMORE.



is an organization of the emblems and devices which had previously existed beyond the memory of man, almost coveally with man himself; for nature had hardly imparted her first lessons of self-preservation, than instinct had taught the full value and importance of union—the fable and the moral of the bundle of sticks; hence bands, tribes, septs and nations; and hence those insignia so absolutely necessary, as landmarks by which tribes might be separated, boundaries fixed and friends and foe distinguished and descried. “Every man of the children of Israel shall pitch by his own standard, with the ensign of their father’s house: far off about the congregation shall they pitch.” Among the tribes of American Indians each clan has its name, as the clan of the Hawk, of the Wolf, or of the Tortoise, and each has for its emblem the figures of the beast, bird, reptile, plant or other object from which its name is derived. This emblem called *totem*, is often tatooed on the clansman’s body, or rudely painted over the entrance of his lodge.

Guillim, who lived about the middle of the sixteenth century, said that the antiquity of gentilicial Arms in England will prove doubtless of far later date than many of our gentry would willingly have thought to have borne there. For, if consideration be had that for some hundred years the nation was under the harass of war, in the storm of foreigners’ assaults, and after

¹ Copyright 1907 by Henry Whittemore.

troubled with civil wars, there will be little reason to be over-confident in matters of pedigrees and Arms beyond four hundred years. This would take it back to the twelfth century, and there are many families in England, Scotland and Wales whose pedigrees are established beyond question to the eleventh and twelfth centuries and the coat armour is often an important link in establishing these connections.

The original design of heraldry, according to Nesbit, was not merely show and pageantry, as some are apt to imagine, but to distinguish persons and families; to reproduce the heroic achievements of our ancestors, and to perpetuate their memory; to trace the origin of noble and ancient families, and the various steps by which they arrived at greatness; to distinguish the many different branches descended from the same families, and to show the several relations which one family stands in to another.

Guillim says: "Arms as they are here meant, according to their original and first Use, may be thus described: Arms are Tokens or Resemblances signifying some Act or Quality of the Bearer. These Arms as generally and according to their present Use hereditable Marks or Signs of Honour taken as granted by Sovereign Princes to reward and distinguish Persons, Families and Communities in War and in Peace.

"These are sometimes composed of Natural Things, as of some kinds of Celestial Bodies, viz.: the Sun, Moon, Stars, etc. Sometimes of Four-footed Beasts: or of Birds, or of Serpents or of Fishes, Reptiles, or some Kind of Vegetables, Trees, Shrubs, Flowers, Fruits, Leaves; or of some solid things as Castles, Towers, Mountains, etc.; or of Things pertaining to Arts, Liberal or Trades Mechanical. Sometimes again they are compact of none of these, but do consist only of the Variations of Simple Colours, counterchanged by occasion of Transverse. Perpendicular, or whatever other Line used in Coat-Armour, whether the same be Straight, Crooked, Bunched, etc."

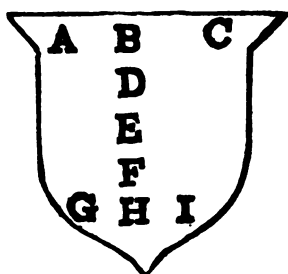
Nesbit adds: "Hereditary marks of honor regularly composed of certain tinctures and figures, distinguish arms from other signs and marks of soldiers, merchants and tradesmen which are but arbitrary during pleasure; as also from hierroglyphics,

symbols, emblems and devices which have no fixed and certain tinctures, but may be composed of any colours or figures."

THE SHIELD.—As the shield was a necessary instrument in defence of the body, so it was with the ancients an honourable badge or sign; for with Grecians and Romans they who returned from the battle without it, were in great disgrace and interdicted from holy things" as the antiquarians of those nations wrote. And as the shield was necessary and honourable, so it was judged by all nations the most convenient tabula to contain marks of valour and honour.

Paul enjoins the Ephesians to "put on the whole armour of God, having your loins girt about with truth and having on the breastplate of righteousness, and, above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked."

Shields for the most part, of old, were to be seen triangular on the ancestral monuments, seals and coins. And from this triangular form came the custom in heraldry of placing the greatest number of figures above and the smallest below. The other form of shield, now universally used, is square, rounded and pointed at the bottom as Monsieur Beron describes it in his "Art of Blazon-Quarre arundi and pointee par la bas," which they say is after the fashion of the Sammitie shield used by the Romans.



The Shield or Escutcheon is the principal object wherein the emblems or charges of heraldry are depicted. The surface or space within the boundary lines is called the Field. The Shield is divided into the following parts; the Chief, which is subdivided into A, the dexter or right-hand chief point; B, the mid-

dle chief point; C, the sinister or left-hand chief point; D, the collar, or honour point; E, the heart or fesse point; F, the tombil, or naval point; and the base, which is subdivided into G the dexter base point, H the middle base point, and I the sinister base point.

Coats are said not to have any tincture predominating when the field seems cut or divided into two or more equal parts. Guillim says:

“After Battels were ended the Shields of Soldiers were considered, and he was accounted most deserving, whose shield was most or deepest cut, and to Recompense the Dangers wherein they were known to have been for the Service of their King and Country by these Cutts, the Heralds did represent them upon their Shields.

“The common Cuts gave Name to the common Partitions of which the others are made by various Conjunctions. If the Shield was cut from the Chief to the Base they gave a Line of Partition in that Form which the French term *Parti*; if transverse or athwart, *Coupe*; if diagonal from the Right high Angle, to the lower left Angle, *Tranche*; if from the left high Angle, *Faile*. What they termed *Parti*, we term *per Pale*.

Mackenzie observes that “the Names and Designations of these Points are for the several Parts of a Man who, in Heraldry, Architecture and Painting is the true Measure of all Symmetry and Perfection. The highest point his Head; the second he calls the Neck or Honour Point, and thinks it fitted for all Augmentation of Merit or Honour, because a Man generally wear thte Badges of his Honour about his Neck as may be said by the Knights of the Garter, who wore the Collar of their Order on St. George’s Day. The Third Part, he tells us, *couer*, or Centre Part, the Heart-Part or Fess, which signifies the Flank or the Buttocks.”

“By these Arms we are instructed of the right Originators and writings of Surnames. These Arms also show who have been Founders of Towns, Castles or Churches. Thus the Church of Durham is known to be built by the King of Scotland, and the town of Erfort is known to be built by the French King because they bear these Arms. And thus most of our publick

Buildings in England, such as our ancient Abbies, Churches and Colleges in both Universities for the most Part, expose to public View the Arms of their Families as well as the ancient Seats of our Gentry do those of their Owners”.

DEFENSE.—Indignities of any kind to the arms of another led to personal combat, imprisonment or severe penalties on the perpetrator. King Richard I. was imprisoned and one hundred thousand pounds was given as his Ransom, he being made captive by the Duke of Austria, for having ordered the banner of the said duke to be stricken down (whereby it was trod on) to give place for his own on the wall at the holy land into which the duke first wrought his passage.

SURCOAT, ENSIGN, ETC.—The Surcoat or loose light taffety coat used by military men over their armour, upon which their arms were painted or embroidered that they might be distinguished in time of battle. Sovereigns and other great men are represented on the equestrian side of their seals, on horseback with such surcoats of arms. Sandford in his “Genealogical History” says that Gilbert, earl of Clare, was killed at the battle of Bannockburn by the Scots for want of his surcoat of arms, who otherwise would have been saved because he was a near kinsman to Robert the Bruce. These surcoats were much of the same shape and form of those still worn by heralds.

The other principal of honour is the *Ensign*, into which general name are comprehended standards, banners, pennons, gideons and gonfanouns. The first two, standards and banners, are of a square form, painted or embroidered with the whole achievements of those who have right to display them in the field or in solemnities, and anciently they were allowed by none under the degree of Knight banneret. The pennon and gideon are of an oblong figure, carried on the points of spears, and on them are only painted a part of the owner’s arms, such as his device and crest.

Arms have appeared occasionally on the equipment of horses, such as the caparisons, as may be seen in the seals of kings, and other great men who are represented on horseback holding on their left arm the shield of their arms, and the same armorial figures embroidered on the caparisons of their horses. Nisbet

says: I have seen a seal of Alexander II., King of Scotland, appended to a charter of confirmation of several lands to the Abboaz of Melrose, upon which he is represented, sitting on a throne with a crown on his head, in his right hand a sceptre and in his left a mond. On the other side of the seal he is represented on horseback, in his coat of mail, holding in his right hand a sword and in his left a shield with the arms of Scotland, and the same arms are on the caparisons of his horse." Sandford, in his "Genealogical History," makes King Edward I. of England the first of these kings that had the arms of England on the caparisons of his horse.

The shield is distinguished by certain armorial colours called tinctures, separated by division lines, and *charged* with a variety of animals, instruments and other objects, which themselves bear the designation of *charges*.

THE TINCTURES used in heraldry are metals, colours and furs.

To Sylvester Petra Sancta, a celebrated Italian herald, is assigned the invention of the lines and points by which the tinctures are expressed. The metals are:

Or-gold—known in uncoloured drawings by dots.

Argent—expressed by the shield being plain.

The COLOURS are:

Azure—blue—depicted by horizontal lines.

Gules—red—depicted by perpendicular lines.

Ver—green—depicted by lines from the dexter chief to the sinister base.

Sable—black—depicted by cross lines, horizontal and perpendicular.

Purple—purple—depicted by lines from the sinister chief to the dexter base.

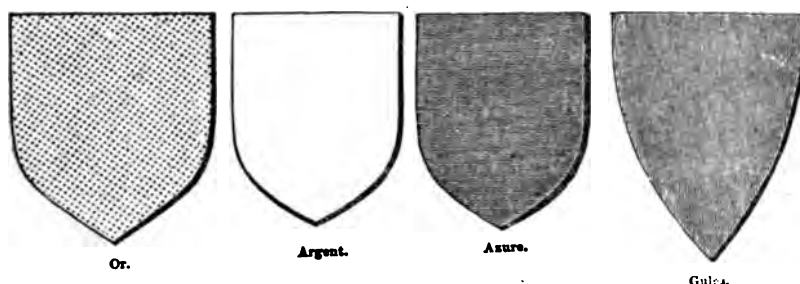
These Colours are defined by Guillim as follows:

"White is a Colour that consisteth of very much Light to which Black is contrary. As Colours may be resembled to Things of greatest Nobility or Reputation, so is this Worthiness accepted accordingly. This Colour is most commonly taken in Blazon for the Metal Silver and is termed Argent wherever the same is found either in Field or Charges. It represents Water, which next to Air is the noblest of all the Elements.

“All mixed or middling Colours that are called *Colores medii* are reckoned more Noble or Ignoble by participation; that is to say, as they partake more or less of the Nobility of the White, which is resembled to Light. White also signifies Peace and Sincerity.

“Red—This Colour representeth Fire, which is the chiefest, lightest and elegant of the Elements, and in blazoning is termed Gules. In its military application it signifies Fortitude and Magnanimity.

“Gold. This Colour in Arms is blazoned by the name of Or and it is commonly called Gold; yellow, because it doth truly represent that most excellent Metal, the Possession whereof enchanteth the Heart of Fools; and the Colour whereof blindeth the Eyes of the Wife. And as this Metal exceedeth all others in Value and Purity and Fineness, so ought the Bearer (as much as in him lieth) endeavor to surpass all others in Prowess and Valor. This also denotes Generosity or elevation of mind.

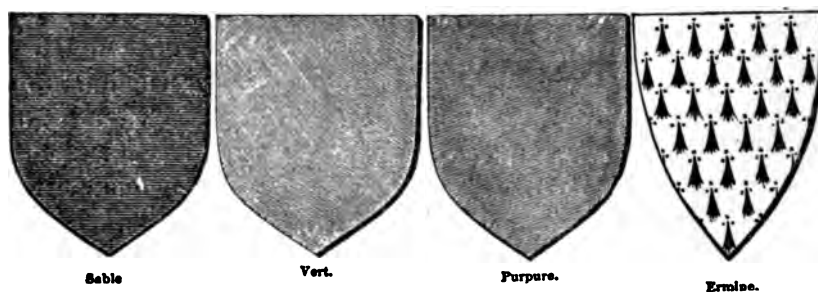


“Green. The Latins called this *Veridis a vigore* in regard to the Strength, Freshness and Liveliness thereof, and therefore best resembleth Youth, in that most Vegetables as long as they flourish are beautiful with Verdure. And it is a Colour most wholesome and pleasant to the Eye, except it be in a young Gentlewoman’s Face.

“Blue. This is a color which consisteth of much Red and little White and doth represent the Colour of the Sky in a clear Summer Day. Thus Blue is termed Azure. It signifies Loyalty and Truth.

“Purple. Purple is a color that Consisteth of much Red, and of a small Quantity of Black. This Colour hath its denomin-

ation of a certain Fish, called in Latin, *Purpure*, a kind of chill fish whereof in Times past great Store have been found near to the famous City of Tyres situated next to the Sea-coast, in the Country of Phonicæa. This kind of Fish hath in the Month of it an excellent and precious Liquor or Juice of singular use in Dying Clothes, the Invention and Use whereof were first found out by the Tyrians, for which Cause this Colour is called Tyrian Colour. These fish must be taken alive, and that chiefly in the Spring Season, at which Time their Juice is most plentiful in them. They are gathered alive and cast together on a Heap that so their continual Motion they may vent out this rich Liquor together with this Spirit, which done in some neat place or other provided for their clean keeping thereof; it is taken up and spared for necessary Purpose. This Colour in most Time was of that precious Esteem as that none but Kings and Princes and their Favourites might wear the same. It denotes Royal Majesty, Sovereignty and Justice."



"In Acts XVI, 14, allusion is made to a certain woman named Lydia a seller of purple of the city of Thyatira, a city on the Sycus. Dyeing, apparently formed an important part of the industrial activity of Thyatira as it did that of Colossa and Laodicea, the scenes of Paul's labors.

"The English heralds give two other colours more rarely used than purple and of less esteem, such as tenney and sanguine. Tenney is a colour composed of red and yellow, by some called brusque, and they make it to be known in *Taitledonce* by diagonal hatches from right to left and horizontal ones.

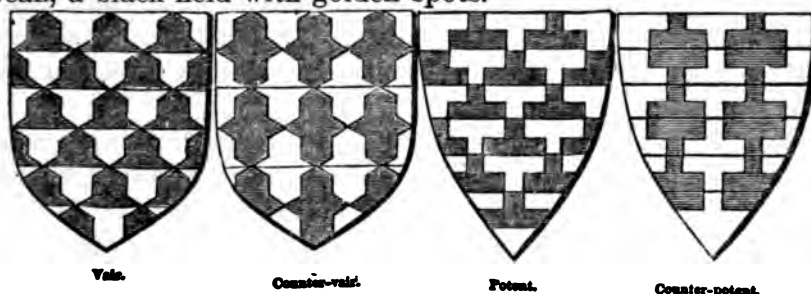
Furs used in arms are two, *ermine* and *vair*, which are composed of two or more of the aforesaid tinctures. Herald's gener-

ally bring their first use in armories from the robes and mantles of princes and chief commanders.

Ferne in his "Lace's Nobility" says that Priamus, King of Troy, in a mantle doubled with *ermine* fought against the Grecians and the old dukes of Brittany in France as deriving their descent from him carried ermine, which that dukedom continue to carry to this day.

That furs were anciently used in arms we have an instance of Pope Innocent III., who, in giving absolution to Henry of Falkenburg for being accessory to the slaughter of Canard, the first Bishop of Wurtemberg, informed him, for penance to fight against the Saracens, but never to appear in *ermine* and *vair*, or any other armoured colour made use of in the tournaments.

Ermine consists of a white field with black spots. The variations are: ermines being white spots on a black ground; erminites, differing from ermine by the addition of a red hair on each side of the black; erminois, a golden field with black spots; pean, a black field with golden spots.



Vair is the other principal point in heraldry; a parti colored fur of blue and silver (unless other colors are specified), in which the pieces are cut in the form of a shield and placed in rows, alternating the position in each. Burke says that it was composed originally of pieces of fur, but now silver and blue, cut to resemble the flower of campanula and opposed to each other in rows. When of different colors they are specified and described *vaire*.

Counter Vair differs from vair by having the bells or cups arranged base against base and point against point.

Potent Counter Potent is composed of figures like crutches' heads.

The old heralds used more minute distinctions: the arms of gentlemen, esquires, Knights, and baronets, they blazoned by tinctures; those of the nobility by precious stones; and those of emperors, kings, and other sovereign princes, by planets.

Yellow or gold, *or*, was represented by a topaz; white or silver, argent, by a pearl; black, sable, by a diamond; red, gules, by a ruby; blue, azure, by a sapphire; green, vert, by a emerald; purple, purpure, by a amethyst; tawney, seune, by a jacinth; and murrey, sanguine, by a sardonix.

The term counterchanged (French, *de l' un en l' autre*) expresses that the field is of two tinctures, metal and colour, and that the charge upon it partakes of both—the charge or part of the charge, being of metal, which lies upon the colour, and the charge or part of the charge, being of colour, which lies upon the metal. “Transmutation or counterchanging,” says Guillim, “is an intermixture of the several tinctures of the shield and charge, occasioned by the opposition of some one or more hues of partition over the whole.” It is an invariable rule of Heraldry, that metal shall never be placed upon metal, nor colour upon colour; that is, if the field be of colour, the tincture charge must be metal and vice versa.

Escutcheons are said to be one tincture that have only some one metal colour or fur appearing in the shield of any nobleman or gentleman. Concerning this Form it has been holden of some writers a matter of doubtful whether one metal colour or fur borne alone in a shield be ancient and honourable. It was reckoned among the Romans a thing reproachful to bear a naked shield without any portraiture; in regard it was a usual thing with men of valour and courage to have their shields painted.

“Quick he was with naked sword,

But white shield did no praise afford.”

The people of Lucania in Italy, situated between Calabria and Apulia, had their shields wrought of twigs, covered over with leather. It was the manner of the Scythians, Medes and Persians to have their shields of red colour, to the end that the effusion of their blood should not easily be discovered (when they received any wound), either to the discouragement of themselves or animating of their enemies. Moreover these nations

used scarlet and red Colour in their military garments and shields to the end that they might thereby strike the greater terror and astonishment into the hearts of their enemies.

The shield used by the Hebrews for defence was a framework of wood covered with leather. Another form of shield was frequently cased with metal, either brass or copper; its appearance in this case resembled gold when the sun shone upon it. In order to preserve it from the effects of the weather the shield was kept covered, except in actual conflict.

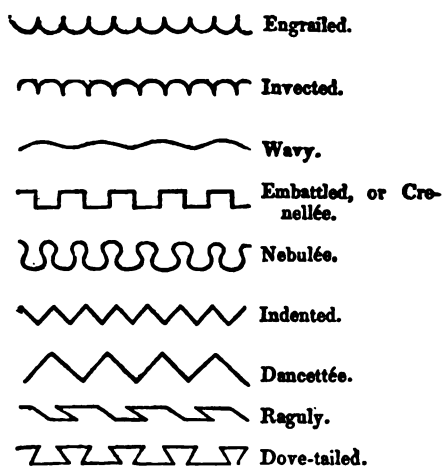
PARTITION LINES—"The lines used in armories," says Nisbit, "in dividing the shield into different parts and composing of figures are of different forms, without which many arms would be one and the same, for a cheif navy differs from the plain chief by the lines which compose them. And there are particular reasons for these different forms of lines. These lines, according to their forms and names, give denomination to the persons or figures which they form, except the straight or plain lines."

Invested
Engrailed
Wavy
Embattled, or Crenelee
Nebule
Indented
Dancettee
Raguly
Dovetailed

The first two lines designated engrailed and invested, when represented together, are somewhat known, the one from the other, being opposite to one another, both being words (as I were) of semi-circles; the engrailed with points upward, and the inverted line with points downward. But there is not yet a sufficient distinction; for, suppose the space between them which they form for a fesse, then it is only engrailed and not inverted; for a fesse engrailed must have the points on the sides turned toward the field and the conon or gibbose parts toward the fesse itself; and so of a bend, chevron, and other proper figures in heraldry; and if these be inverted, then the converse parts of the line are toward the field; but these lines are more clearly

distinguished when placed by way of border. These two lines engrailed and inverted are more difficult to be distinguished when the field is divided into two equal parts of different tinctures; as parted per pale, parted per fesse, etc. Hence we know not whether this line be engrailed or inverted, except we observe the rule that the form of the line must be applied to the colours first named.

Wavy or waved is said of a line or lines that are formed after the waves of the sea, as parted per fesse wavy in the arms of Drummond of Concraig, and the lines which form the bars waved in the arms of the earl of Perth, which signifies that the bearer got his arms for service done at sea, as Sir George Mac-Kenzie says. The Drummonds bear the three bars or faces under or wavy, because the first of that name came by sea with Queen Margaret, who was married to Malcom Canmore, as master of the ship, and having suffered a great storm through which he, by his skill conducted them. He did therefore get the faces wavy, representing waves; which form of line the French term *mide* or *onde*.



Nibule, or Nibuly, is from the French, signifying cloudy—shadowy or cloudy with colours of one kind. It was considered a suitable distinction to such as were eminent for their skill in navigation and pilotry; that employment obliging them to see knowledge in clouds and storms.

Crenelle, or embattled lines represent the battlements of a house, and are said to signify in armories, skill in architecture; valiant actions in defending or assulting castles—or to show the bearer to be descended of a noble house; for of old, none were admitted to embattle their houses but great barons. The word crenelle is used for embattling; especially when a figure such as a fesse is embattled on both sides, heralds say ordinaryily *bretasse*, and some say *contre bretasse*. For embattling, the Latins used the word *pennatus*, *pennes*, *asperatus*.

There is another embattled line which Leh gives called battled embattled because it hath one degree of battling above another, and when the upper points represented bastions, the only works of cities and camps. When the upper points or battlements are rounded, it is called *crenelle* embattled *arondi*; such embattlement faces the west part of the House of Straton, the ancient seat of the chief of that name, earls of Winton. The line indented resembles the teeth of a saw, and has its name from dent or tooth; or indentura a certain deed of writing whose top is indented or cut into like teeth.

Dancetti, which is the same almost, with the indented *secundum quale*, but not *secundum quantum*, for these forms are both one, but in quantity they differ much for the *indente* is smaller than the *dancette*. Also *dancetti* differs from *indenti* by reason it consists but of few teeth though never fewer than three.

There are two other forms of lines, one termed *patti* or dove-tail from a form of art used by joiners, who make joints one into the other by that name. “The other line is blazoned *made* or *champain* by Ferne Upton, who calls it *vere* because its points are formed like pieces of *vair*.

PARTITION AND REPARTITION IN ARMORIES—A shield of one of the armorial tinctures is not complete armorial bearing except there be more tinctures than one, for these figures will appear though but the termination of two tinctures or more meeting together which represent a line or lines. Lines, thus, which divide the shield or field into parts are of two sorts: First, are those which divide the shield into equal parts and cut the centre; these are called the principal partition lines. Of these there are four, parted per pale, per fesse, per bend, dexter and sinister, called

by the French "*parti coupe traunche taille.*" Second are the repartition lines, which divide the shield into unequal parts, or "*parti mi coupe,*" and "*coupe mi parti.*" Menestrier in his "Treatise of the Origin of Arms" is of the opinion that the rise of the partitions in armories was from those in the habits of great men and of these he gives several instances: He mentions the ancient robes of the consuls of Grenoble which were parti or, and azure, and the garments of the officers of the city of Cambray as parti gules and argent, and from these came the same partition of their arms. The town of Metz carries for arms parti argent and sable.

When the shield or field is divided into two equal parts by a perpendicular line from the top of the shield to the base of the point it is said to be parted per pale. The arms of the city of Buri in the kingdom of Naples, which are parted according to the Latin definition, are so parted because the ancient robes of their magistrates were of the same partition as given by Favon.

When the partition line is straight, and none of these crooked forms before mentioned it has then no additional denomination in the blazon. But if it consist of any of these particular forms then the term of that form is added in the blazon, and serves as a difference for cadets as well as to distinguish them amongst themselves as to difference them from their principal families.

PARTED PER FESSE is when the shield is divided into two equal parts by a horizontal line. The French use the term *coupe d'or, et d'azure.* This and the form of partition are very frequent in the arms of the Italians, for the reason that there are four old families in Italy who were not engaged in the factions of the Guelphs and Gibdines, which parties were not only distinguished by such partition in their arms, but even in their habits.

The fourth principal partition line, parted per bend sinister is by a diagonal line, passing from the upper left corner to the lower right angle toward the base; the word sinister is mentioned in the blazon of this partition to distinguish it from the former; the French say *taille—or taille d'argent et d'azure—* parted per bend sinister argent and azure.



(47)

REPRESENTATIVE AMERICANS

In the "Representative Americans" series of portraits which is initiated in the current number of the *AMERICAN HISTORICAL MAGAZINE*, and will be continued during successive numbers of the year 1908, there will be a remarkable collection of original likenesses of some of the most eminent citizens of the United States, who are now conspicuous in various walks of life, professional, industrial and social. As a whole the series will constitute a gallery of portraiture, such as has never been attempted before by any American periodical. Both as respects the choice of subjects and their artistic treatment, the series will be of unusual character and of very exceptional interest.

It has been deemed especially fitting that the series should begin in the current issue with two portraits of men who have been prominent in the national life of this period; one of President Roosevelt and the other of the Honorable Joseph H. Choate, lawyer, publicist and diplomat. The Roosevelt portrait is strikingly effective. It was drawn at the White House, at the banquet which the President gave to Henry of Battenberg, when that prince was visiting this country a few years ago. The artist, Carl J. Becker, was the only artist present on that occasion, and he made three drawing of the Chief Magistrate, one for Postmaster General Charles Emory Smith and another for the President himself. The third drawing, signed by the President, is reproduced here.

The Choate portrait was drawn after the return of Mr. Choate to New York from his ambassadorship to the court of St. James. It presents Mr. Choate in an easy attitude and is an exceptional likeness and a notable work of art. Along with the Roosevelt portrait, it was exhibited at the Royal Academy in London, where both were very greatly admired, alike for their strong representations of character and their attractive artistic quality.

The portraits in this Representative Americans series are silverpoint drawings by Carl J. Becker, who is recognized as one of the foremost portrait painters of the United States, and who has made himself particularly pre-eminent by his drawings of this character, of which the Roosevelt and Choate are good examples. Silverpoint drawing is an old-time art. The silverpoint, which

is merely an amalgam of silver and lead, was used exclusively by the great artists of earlier times before lead pencils were introduced, and superseded it. That in many respects it is superior to any other medium for certain purposes does not admit of doubt. By its use a delicacy and refinement of result are achieved, and strength of character and good draftsmanship are in every way possible with it. While in recent years the art of drawing with silverpoint has fallen into disuse and become almost entirely obsolete, it has been revived by Mr. Becker, almost alone among contemporaneous artists; he has a strong liking for it and in it has achieved very artistic results.

Mr. Becker is an artist of German birth, but he is a thorough cosmopolitan, having traveled in all parts of Europe, in India, in Australia, and in the United States, and having achieved distinction for his portraiture in whatever quarter of the world he has set up his easel. He was in the Franco-Prussian war, went to India with the Prince of Wales, now King Edward of England, in 1875; has painted in Australia and is recognized in art circles in all the large cities of the United States. In this country he is especially well known for his painting of the members of the Produce Exchange of New York, the members of the Philadelphia Bourse, and the City Troop of Philadelphia.

He has also done scores of portraits, among them being those of the Prince of Wales, Admiral David D. Porter, Justice Miller of the United States Supreme Court, ex-Secretary of the Treasury George S. Boutwell, Postmaster General William F. Vilas, General Philip H. Sheridan, and Archbishop Ryan.

The particular attractiveness and value of these silverpoint drawings of Mr. Becker rest in their extreme delicacy and their fine artistic sense, while at the same time they are striking likenesses of their subjects, and full of character. As the series progresses, it will show some of the most famous Americans of the present day. The individuals selected for representation will be those who are now most notably in the public eye, by reason of their achievements in political activity, in professional pursuits, in the financial and business world, or in social life. It will be a wholly contemporaneous gallery and an exceptionally interesting and valuable adjunct to the historical records of the period.

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

II

SCANDINAVIAN ORIGIN

ON the Scandinavian peninsula, in the early centuries of the Christian era, was settled a race whose mastery of the countries within striking distance of the Northland was, for generations, well-nigh complete.

Tradition and mythology commingle in the story of the semi-barbarous Germanic men of force and their viking descendants. The sagas of Norway, Denmark, Iceland, and Orkney tell the tale of these titanic rovers of the sea and conquerors of the land, their lives and achievements, their wild freedom and their cruelties, their loves and their hatreds. From these sources are derived the genealogical records that make possible the pedigrees of their descendants even to the present day. In them scholarly research has found the earliest discoverable ancestors of the Bruces, men and women of might who had a large and influential part in the iron life of that heroic age.

Before the seventh or eighth century the Norsemen found full employment for their fighting passions in contending with each other for mastery of their respective domains. Gradually a slight sense of national spirit developed among them and they grew more and more inclined to be at peace with their immediate neighbors and kinsfolk and to exercise their propensities for conquest and plunder upon other peoples than their own. Norway became the fountain head of one of the most wonderful conquering and colonizing movements that the world had ever known. In fast-sailing ships the vikings and their followers made incursions upon Northern Europe and the islands of Britain. They considered war the most honorable profession

and, even as Tacitus said of the Germans, "they deemed it a disgrace to acquire by sweat what they might obtain by blood." Or, as another ancient historian quaintly wrote, they were "people desperate in attempting the conquest of other realms, being very sure to find warmer dwellings anywhere than in their own homes." They harried England, Denmark, and Europe, plundering cities, devastating countries, and carrying away spoils by the ship-load. Of such mettle were these progenitors of the royal house of Bruce.

On the direct male line the Bruce pedigree goes to Sveide, a viking who lived in the middle of the eighth century. On the distaff side the pedigree is traced through various lines, male and female, to the founders of the several principalities or kingdoms that finally became the nation of Norway.

In the most ancient chronology Odin, a prince who, in the fourth or fifth century of the Christian era, was driven, by the Romans, from his domains on the border of the North Sea, led his Germanic tribes to the Northland. He was a famous warrior, always victorious, and when he died he divided his new kingdom between his sons and companions in arms. His son Skioldr established himself at Lethra upon the island of Zeeland and founded the kingdom of Denmark. In the course of time, sacrifices were made to Odin, he received divine honors, and was worshiped as the creator of the universe. Some authors regard him entirely as a mythological personage while others believe in his historical existence. But the list of Scandinavian kings who claimed descent from him is accepted by historians without reserve, after the seventh century.¹

Beginning with Skioldr, son of Odin, the fourteenth king of Lethra was Halfdan II., son of Frode III. The kingdom was divided between the two sons of Halfdan into Lethra and Roeskilde, but in a later generation was reunited by *Ivar Vidfami* of Roeskilde, the son of *Halfdan III. Sniale* by his wife Alfo. Halfdan III. was a son of *Olaf*, the Sharp-eyed, of the Rurik line of kings who were foremost among those eastern princes

1. "Manuel d'Histoire, de Genealogie et de Chronologie de tous les Etats du Globe", by A. M. H. J. Stokvis, Vol. II, p. 320.

whose territories and powers were ultimately merged in the Russian empire.

With *Ivar Vidfami*, or Widefathom, we are on firmer historical ground. His father Halfdan III, was murdered by Gudrod, King of Scandia, and the son went forth to Sweden with an army to avenge the death of his parent. King Ingiald, whose daughter Asa had instigated her husband Gudrod to kill Halfdan, was so hard pressed that he burned himself and all his court in a big banqueting hall. After this *Ivar* acquired "all the Swede land," Denmark, a "great part of Saxon-land," all the East-realm, and part of England. From him came the early kings of Sweden and Denmark.

Auda Diuphaudza, daughter of *Ivar Vidfami*, married *Radbard* or *Robert* King of Holmgard, and their son King *Randver* married Asa. In the next generation came *Sigurd Hringr*, a famous king of Sweden, son of Randver and Asa. He was living in 735 and his queen was Alfhilda. In 750 a daughter of the preceding married *Thrond* or *Hoerk*, King of Trondheim, who was a son of *Harald Hilditur*. *Eystein*, King of Trondheim in 780, was the son of Thrond or Hoerk; *Halfdan*, King of Trondheim in 810, was his grandson and *Eystein Glumra*, King of Trondheim in 840, was his great-grandson. A daughter of *Eystein Glumra* marrying *Ivar*, son of *Halfdan* the Aged, son of Sveide, the viking brought to the direct male Bruce line a pedigree reaching back through the several royal lines that have just been indicated, of early Sweden, Trondheim, Holmgard, Rurik, and Lethra to the stock that derived from Odin the divine.

Instead of *Ivar*, Earl of Upland¹, some genealogists give as the father of *Eystein*², Thebotau, Duke of Sleswig and Storman, who is said to have lived in the first quarter of the ninth century; to have served under Gudrod, King of Norway, in 821, and to have married Gandella, daughter of Vitellan, Lord of Ballanstedt and Bernburg in Germany, from whom the Ursini family of Italy is descended. This origin of the Bruce family was first advanced by Gabriel Surrene, the famous antiquarian

1. III on page 53.

2. IV on page 54.

and genealogist of half a century ago, in his researches for material for a history of the Bruce family. Among English genealogists Henry Drummond has almost alone endorsed the opinion of Surrène.

On the other hand, the pedigree making *Ivar*, son of *Halfdan* the Aged and grandson of *Sveide*, the father of *Eystein*, is presented by J. H. Wiffen¹, who gives a genealogical chart tracing, as has been shown on the preceding pages, the pedigree of *Ivar* through ten generations to *Olaf the Sharp-eyed*, King of Rurik. This pedigree is on the authority of Suhr² and Snorre.³ Stokvis in his manuel gives the same pedigree from *Rognvald* father of *Torf Einar* and of Rollo, Duke of Normandy, back to *Olaf the Sharp-eyed* and then beyond him, generation by generation, to Odin the first great monarch of the Scandinavian kings. In the *Lakdaela Saga* and the *Landnama Saga*, included in the *Origines Islandicae*; in the *Heimskringla*, the Norwegian sagas of Snorre Sturlason, and in the *Orkneyinga Saga*, to all which frequent reference is made in the following pages, the stories of these Norsemen, their ancestors, and their descendants are related, often with much detail and with full confirmation of the genealogical lines here adopted.

I

SVEIDE of Upland, a viking, 760—800.

II

HALFDAN the Aged, son of the preceding, was ruler of Upland in 1800.

III

IVAR, son of the preceding, was a jarl or earl of Upland in 830. He made proud boast of his descent from the deified hero Thor. In 850 he married a daughter of Eystein Glumra who was King of Trondheim in 840.

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1. "History of the House of Russell."
 2. "Histoire Critique du Denmark."
 3. "Historia Regum Septentrionalium"

IV

EYSTEIN, or EUSLIN, named Glumra of Vors, son of the preceding, fled into the kingdom of Norway about 870 to escape Danish tyranny. He married, first Jocunda, daughter of Hunt-hiof, King of North Mere and South Mere, two provinces of Norway; second, Ascrida, daughter of Rognvald, son of Olaf or Olaus, an independent king of Norway, who kept his court at Geirstead.

Issue:—

1. Sigurd, the first Earl of Orkney. He married Jocunda, daughter of Olaf Hviti, the White, King of all Dublin. Olaf was descended from the same stock as Harald Harfagra, the first king of Norway. He led an invasion of the Northmen into Ireland in 838, and, capturing the city of Dublin, held the Celtic race in that part of the island in subjection, and founded the most powerful and most permanent Norse kingdom in Ireland. He was a son of Ingiald, who was a son of Helgi, and his wife was the famous Queen Auda.

The islands of Orkney were subdued by Harald Harfagra soon after the year 875, and Sigurd was placed in possession, being created the first Earl of Orkney. The Norwegian race of earls of Orkney continued in the male line until Magnus, Earl of Orkney, who married the Countess of Caithness, died without male issue in the fourteenth century, his granddaughter, Isabel of Caithness, transmitting the right of the earldom to her son, Henry Sinclair, of the Scottish Sinclair or St. Clair family, the claim being acknowledged by Hakon VI. of Norway in 1379.

Sigurd in his new possessions had much trouble with his neighbors on the Scottish mainland. The sagas relate that he and the Scottish earl Melbrigd Tonn, or Tooth, made an arrangement to meet in a certain place with forty men each to discuss their differences. Sigurd mounted eighty men on forty horses. When Earl Melbrigd discovered this treachery he accepted the gage of battle and in the fighting was killed "and all his men with him." But Sigurd did not long enjoy the fruits of his victory. An ancient account of the battle says: "he gained the victory in a foray over the Scotch jarl Melbrigd, and cut off his head, which, in the overweening pride of his triumph, he hung at his saddle; but a sharp tooth that projected from the head chafed his leg and caused a wound which proved his death." Sigurd was buried at Eckialdsbakki.

2. *Rognvald*, of whom below.

V

ROGNVALD, son of the preceding, by his wife Ascrida, was one of the great men of Northland. He was an independent king of an important section of that country and was powerful enough to make himself a leader of other rulers. He belonged to the same family as Harald Harfagra and was fully equal in rank with that earl. When Harald planned the subjugation



of the independent jarls or earls of Norway and the unification of that country into a nation, Rognvald joined forces with him and became his most valued supporter and councillor. He assisted Harald throughout the long struggle with the other Norwegian chiefs until his kinsman was established on the throne as the first king of all Norway. When Harald began his warring against the other earls he swore never to cut his hair until he had conquered and had won the hand of the ambitious maiden Gyda whom he loved and at whose instigation he had undertaken this task. When he had finally achieved his purpose he had his long shining yellow hair cut for the first time in his life and to preform this office he called upon Rognvald—so the sagas tell—because “that lord was the most valiant and best beloved of all his subjects.”

Harald appointed Rognvald Earl of North Mere and Raumsdale in 885 after the victory at Solskel when Hunthiof of Mere and his father-in-law Nockvi were defeated and slain. After the second naval victory at Solskel where he particularly distinguished himself he was made Earl of South Mere.

“Rognvald, the Mere Earl, son of Eystein Glumra had become King Harald’s man that summer, and him King Harald made lord over the two folks, North Mere and Raumsdale, and strengthened his hands thereto both with lords and franklins; and ships he gave him withal that he might ward the land against war; he was called Rognvald the mighty, or the Keen-counselled, and as folk say it was good sooth of either name.”¹

Among his many famous exploits, told in the sagas, was a winter expedition against King Vermund of the Firths.

“And so he came a night-tide to a certain stead hight Naustdale whereat was King Vermund a-feasting. There took Earl Rognvald the house over their heads, and burned King Vermund therein with ninety men.”

When his son Ivar, fighting under Harald in Scotland in 870, was killed, “to boot the loss of him King Harald when he sailed from the west gave Earl Rognvald the Orkneys and Shetland.”

¹“Heimskringla of Snorre Sturlason,” Vol. I, pp. 100 and 103.

But fate had it that Rognvald should meet his death in 890 at the hands of the sons of his friend and king. Halfdan High-leg and Gudrod Gleam, sons of Harald, were dissatisfied with their lot and sought the possession of more land and exercise of more power. So with bands of followers they went forth fighting. They "came unawares on Rognvald, the Mere Earl, and took the house over him, and burned him therein with sixty men."

Rognvald married, first, Hilda or Helinda, daughter of Rolf, surnamed Nefia Grosshertz, a great herrse or baron of Raumsdale; second, Groa, daughter of Wrymund, King of Trondheim.

Issue:—

1. Rolf, or Rollo, who led an army across seas to France, conquered the province of Neustria, and founded there the Dukedom of Normandy.
2. Thorir, surnamed Thegiandi (the Silent). He was made Earl of Mere by King Harald after the death of his father. He married, in 885, Aloh Arbot who was called the Year's heal, daughter of King Harald.
3. Halladur, the third earl of Orkney. He married Tora, daughter of Find the Squint-eyed, a great lord in Norway.
4. *Einar*, of whom below.
5. Hrollaugur or Drogo. He married Ermina and was the ancestor of the Barons of Briquebec and other noble families of Normandy.
6. Helinda. She married Sigurd, surnamed Rice, son of King Harald. In 900 he was Governor of the province of Ringrace in Norway.
7. Ivar, who was killed in battle in Scotland in 870.

VI

EINAR, surnamed Torf Einar, son of Rognvald and his wife Groa, was the fourth Earl of Orkney. Upon the death of Sigurd, the first Earl of Orkney, his son Guthrom succeeded him, but died without issue a year later, in 875. The earldom reverted to Rognvald who sent his son Halladur there. But Halladur does not seem to have had much in him of the fighting spirit of the age and was soon wearied of defending his possessions against the never-ending attacks of the plundering vikings. Therefore he returned to Norway, much to the disapproval of his father. When Earl Rognvald heard of this—

"he was ill content with Halladur's journey, and said that his sons would become all unlike their forefathers. Then spake Einar; 'I have had little honor of thee, and but little love have I to part from. I will fare west to the isles if thou wilt give me

some help or other; and then I will promise thee, what will gladden thee exceedingly, never to come back again to Norway.' Earl Rognvald said he should be well content if he never came back; 'For small hope have I that thy kin will have honor of thee, where as all thy mother's kin is thrallborn.' So Earl Rognvald gave Einar a long-ship all manned, and in the autum-tide Einar sailed West-over-sea; but when he came to the Orkneys there lay before him two ships of the vikings, Thorir Wood-beard and Kalf Skurva. Einar fell to battle with them straightway, and won the victory, and they both fell. Then was this sung:

'Tree-beard to the trolls he gave there,
Scurva there Turf Einar slaughtered.'

"Thereafter Einar became earl over the isle and was a mighty man there. He was an ugly man, and one eyed, howbeit the sharpest-sighted of men."¹

His rule in the islands was beneficent and all people were devoted to him. It is said that he discovered the deposits of peat with which the islands abounded and taught the inhabitants how to use it for fuel. To show their gratitude the people gave him the name Torf or Turf.

After Halfdan High-leg and Gudrod Gleam had slain his father Rognvald, Torf Einar was forced by Halfdan, who came to Orkney with an army, to take refuge in Cathanes, or Caithness, on the mainland or Scotland. Gathering reinforcements he returned to Orkney in the autumn and fell upon Halfdan High-leg and defeated him and his forces. Halfdan was captured and Einar in person tortured him before putting him to death, after the manner of that time. The sagas give this song that Einar sang after he had accomplished his vengeance:

"Wreaked have I Rognvald's slaying,
I for my fourth part fully,
For the stay of hosts is fallen;
The Norns have ruled it rightly.
Heap stones then upon High-leg,
High up, brave lads of battle,
For we in strife were stronger,
And a stoney scat I pay him."

But Einar's triumph was short-lived. When King Harald

¹"Heimskringla of Snorre Sturlason" by William Morris and Eri'kr Magnusson, Vol. I, p. 122.

heard of the fate of his son he sailed to the Orkneys and the earl again "got him over to Caithness," singing as the sagas put it.

"For the slaughtering of the sheep-kind
Are some with beards made guilty;
But I for a king's son's slaying
Amid the sea-beat island.
Comes peril, say the franklins,
From the wrath of a king redoubted,
And surely of my shearing
Is the shard in the shield of Harald."

In the end the affair was settled by Einar paying a fine of sixty marks of gold to the king in return for which he was left in undisputed possession of the islands.

Issue:—

1. *Thorfinn*, of whom below.
2. Arnkel who followed King Eric Bloodaxe, son of Harald Harfagra, into England and was killed in battle, 950.
3. Erland who also accompanied King Eric and was killed in battle, 950.

VII

THORFINN HAUSKLIFR, the Headcleaver, son of the preceding, was the fifth Earl of Orkney, and the Earl of Shetland in 942. In the latter years of his life he submitted to the rule of Queen Gunnhild, widow of King Eric Bloodaxe, and her sons, who, driven out of Norway, seized Orkney; but he resumed the earldom when Gunnhild and her sons went over to Denmark.

He died about 963.

He married Grelad, Greiland, or Grelota, daughter of Dungal, jarl or earl of Cathanes, whose wife was Groa, daughter of Thorstein Rauda, the Red, son of Olaf Hviti, the White, King of Dublin, by his wife Aud, the Deep-rich or Deeply-wealthy. The story of Aud or Und, the Deeply-rich, who married Olaf Hviti, is told in the Icelandic sagas. She was a conspicuous figure in her time and country, and a queen who exercised a powerful control and widespread influence throughout a long and active life.

"Beorn Buna was the name of a mighty and noble herse in

Norway. He was the son of Werther-grim, herse or lord of Sogn. Grim had to wife Her-ware, daughter of Thorgerde, daughter of Ey-laug, the herse of Sogn. Beorn had to wife We-laug, sister of We-mund the Old. They had three sons. One of them was Cetil Flat-neb, the second Holgi, and the third Hrapp. They were noble men and from them is the greatest race that is told of in this book and from them are come well-nigh all the gentle-folk of Iceland."¹

"There was a man named Cetil Flatneb, the son of Beorn Buna, the son of herse Grim, Halbeorn Half troll's son. He was a mighty lord or herse of Norway and of high family. He dwelt in Reams-dale, in Reamdale-folk, that is between Southmere and North-mere. Cetil Flatneb had to wife Yngwhild, daughter of Cetil Wether, a man of good birth. Their children were five.

. . . Und (Aud) Deeprich was a daughter of Cetil's whom Anlaf (Olaf) the White had to wife, the son of Ingiald, the son of Frode the Gallant whom the Swertlings slew.

"In Cetil's latter days arose the rule of Harald Fairhair, so that no folk-king could thrive in the land, nor other great man, save he himself settled what their power or rank should be. And when Cetil found out that King Harald meant to give him the same terms as to the other mighty men, namely to have his kin slain bootless (without weregild), or else become a vassal or leige-man himself, he summoned a moot of his kinsmen and took up his speech thus: 'Ye are acquainted with what hath taken place between us and King Harald, wherefore there is no need to go into it. . . . I know of a truth the hatred that King Harald bears us, and it seems to me that we shall not find much backing in that quarter, and methinks there are two choices before us,—either to fly the land, or be slain every man in his own place.' . . .

"Then Cetil said that he was now minded to go west over sea (to the British Isles), for he said there was good land there and that those lands were known to him far and wide, because he had harried far and wide there. . . . Afterwards Cetil makes ready for his journey out of the country west over the sea. His daughter Und went with him and more of his kin. Cetil's sons sailed for Iceland the same summer and Helge, the Lean, their brother-in-law. . . . Cetil Flatneb made Scotland in his ship and gat good welcome from men of worship because he was a man of renown and of a great family. And they offered him to settle thereon what terms he liked.

"Cetil fixed his abode there and the rest of the company of

¹"The Landnama Book or Book of Settlements," in "Origines Islandicæ," by Gudbrand Vigfusson and F. York Powell, Vol. I, p. 25.

his kinfolk, save Thorstan, his daughter's son. He took to sea roving at once and harried far and wide over Scotland and gat ever the victory, and afterwards he made peace with the King of Scots and got half of Scotland for himself and became king thereof. He had to wife Thurid, daughter of Eywind, and sister of Helge, the Lean. The Scots did not keep the peace well, but betrayed him to death in time of truce. Are Thorgilson, the historian, says of Thorstan's slaying that he fell in Caithness.

"Und Deeprich was in Caithness when her son Thorstan fell and when she heard that Thorstan was slain and her father dead she thought that there would be no bettering to be got where she was. And so she had a merchant ship built secretly in the wood and when the ship was finished she fitted out the ship and took much riches and chattels with her. She took aboard with her all the company of her kin that were yet alive. And men thought that it was scarcely ever known that one person, and a woman, should have been able to get away out of such perils with so much chattels and such a following. And it may easily be marked thereby what a paragon she was among women. Und also had with her at that time men of high rank and of great families. . . . Und sailed her ship to the Orkneys as soon as she was ready. There she abode for little while. There she gave Groa, daughter of Thorstan the Red, in marriage. She (Groa) was the mother of Greiland, whom Earl Thorfinn had to wife, the son of Earl Turf-Einar, the son of Rognwald, Earl of Mere. Their son was Hlodwe, father of Earl Sigurd, father of Earl Thorfinn, and hence is come the house of the Orkney earls."¹

The family to which Groa belonged was one of the most powerful in the islands of Northwestern Europe, and by his marriage to her Thorfinn greatly strengthened himself and his descendants in their hold upon Orkney and Shetland. With the exception of his successor in the earldom, his sons met tragic fates.

Issue:—

1. *Hlodver* or *Lodver*, of whom below.
2. Arnfinn. He married Ragnhild, daughter of King Eric Bloodaxe of Norway, and was slain by her in Cathanes.
3. Haavad. He married Ragnhild, his brother's widow, and was killed at Stennis in a fray with his nephew Einar Klining who had been instigated by his wife.

¹"*Origines Islandicæ*," by Gudbrand Vigfusson and F. York Powell, vol. II, pp. 141-145.

4. Liot. He married Ragnhild, his brother's widow, and was slain in battle with the native chief Magbiod at Skid Myre, Cathanes.

5. Skuli. He received the title of Earl of Cathanes from the King of Scots; was slain in battle with his brother Liot.

VIII

HLODVER or LODVER, son of the preceding, was the sixth Earl of Orkney.

He died about 980 and was buried at Hofu in Cathanes.

He married Audna, daughter of Kiarval, King of Ireland. Kiarval was the Cearbhal or Carrol of the Irish annals, King of Dublin 872-87; he was descended from Ivar the Boneless, son of Ragnor Lodbrok. Some authorities say that Lodver also married Africa, daughter of Somerlid, Prince of Argyle.

Issue:—

1. *Sigurd*, of whom below.
2. Gerleota who married Baldwin Clapham, son of King Edmund of England.

IX

SIGURD, surnamed Digree the Corpulent, son of the preceding, was the seventh Earl of Orkney. Beside holding Cathanes or Caithness against Kenneth III., King of Scotland, he ruled other parts of the Scottish mainland. Between the years 969 and 995 he was challenged by the Earl Finnleic, father of Macbeth, to battle on a certain day. Receiving from his mother a charmed standard he went forth and in the ensuing combat defeated his adversary. Some time after 995 he embraced Christianity. The circumstances of his change from paganism to Christianity are told in the Orkneyinga Saga. It appears that he yielded to the energetic ministrations of King Olaf Tryggvason of Norway who made an expedition to Orkney. Olaf received Earl Sigurd of board his ship and exhorted him to embrace the new faith saying—

“you may have certain hope of honor from me and will gain what is much more important, to reign in eternal joy in the Kingdom of Heaven. The other alternative is that you shall be slain on the spot and after your death I will send fire and sword throughout the Orkneys. You and they who put their trust in idols shall speedily die, and shall thereafter be tormented in hell fire with wicked devils, without end.”

Sigurd held out against these urgings and finally King Olaf seized the earl's young son Hundi and making ready to slay him said:

"Now I will show you, Earl Sigurd, that I shall spare no man who will not serve Almighty God or listen to my preaching of the blessed message. Therefore I shall kill your son before your eyes this instant, with the sword now in my hand, unless you and your men will serve my God. For I shall not leave these islands until I have completely fulfilled his blessed commission, and you have been baptized along with this son of yours whom I now hold."

Naturally Earl Sigurd deemed it wise to yield to this vigorous missionary effort. He conceded the superiority of King Olaf and his God and was baptized with all his people of the Orkneys. But even then King Olaf failed to keep entire faith with his convert for he carried Hundi away to Norway as hostage, having first baptized him by the name Hlodver.¹ And Hundi never saw home and parents again for he died in Norway.

Notwithstanding this enforced conversion Sigurd continued to fight vigorously for the old paganism. Before 1014 he went to Ireland leaving his elder sons to rule his dominions and entrusting his younger son, Thorfinn, to the care of the boy's grandfather, King Malcolm. Engaging in war with the Irish king Brian Boroimhe (Born) he was killed in the great combat at Clontarf April 23, 1014. This battle fought at Cluaintarbh, now Clontarf, near Dublin, was the most celebrated of all the conflicts in which the Norsemen were engaged on that side of the North Sea. "It was there," says an ancient commentator, that the old and new faiths met in the lists face to face for their last struggle."

Norwegian legends tell that before he set out on this expedition to Ireland, Sigurd received from his mother a standard, made by her own hand, on which was woven the image of a raven, the bird sacred to Odin, the Scandinavian god of war. The raven was represented with outspread wings and in the act of soaring upwards. On accepting the banner the earl was assured by his mother that it had the remarkable property of

¹"The Orkneyinga Saga."

bringing victory to whoever had it carried before him, but that the standard bearer himself was doomed to fall. In the battle of Clontarf, two of Sigurd's bearers were killed. After this none of the officers would take up the fatal colors; thereupon the earl wrapped them around his body and gallantly fought until he fell pierced with innumerable wounds.¹

Thormod Torfeson, whose Latinized name was Torfæus, the celebrated historiographer to Christian, King of Denmark, in the latter part of the seventeenth century, recorded much of the history and tradition of ancient Orkney. He tells the story of a very remarkable apparition in Cathanes preceding the battle of Clontarf. On Christmas, the day of the battle, a man saw several persons on horseback who were riding at full speed toward a small hill, and seemingly entered into it. He was led by curiosity to approach the spot, when, looking through an opening in the side of the hillock, he observed twelve gigantic figures, resembling women, employed in weaving a web. As they wove they sang a mournful song or dirge descriptive of the battle in Ireland, in which they foretold the death of King Brian and that of the Earl of Orkney. When they had finished their task, they tore the web into twelve pieces. Each took her own portion and, once more mounting their horses, six galloped to the south and six to the north. This legend is the subject of Gray's ode *The Fatal Sisters*, which is a paraphrase or translation of a Norwegian poem found in the *Thormodus* and other Norwegian collections. In the ode the sisters are the valkyries, who in Norse mythology, chose the slain and are the special ministers of Odin to conduct the fallen heroes to Valhalla.

“Now the storm begins to lower
 (Haste the loom of hell prepare),
 Iron sleet of arrowy shower
 Hurtles in the darken'd air.

Glitt'ring glances are the loom,
 Where the dusky warp we strain,
 Weaving many a soldier's doom,
 Orkney's woe, and Randvar's bane.

¹“*Orcades, seu rerum Orcadiensium Historiæ*,” by Thormod Torfeson.

Ere the ruddy sun be set
 Pikes must shiver, javelins sing,
 Blade with clattering buckler meet,
 Hauberk crash, and helmet wing.
 Weave the crimson web of war,
 Let us go, and let us fly,
 Where our friends the conflict share,
 Where they triumph, where they die.

Low the dauntless earl is laid,
 Gor'd with many a gaping wound;
 Fate demands a nobler head,
 Soon a king shall bite the ground.

Long his loss shall Erin weep,
 Ne'er again his likeness see;
 Long her strains in sorrow steep;
 Strains of immortality!

Horrors cover all the heath,
 Clouds of carnage blot the sun;
 Sisters! weave the web of death,
 Sisters! cease—the work is done.

Hail the task, and hail the hands!
 Songs of joy and triumph sing!
 Joy to the victorious bands;
 Triumph to the younger king.

Mortal, thou that hear'st the tale,
 Learn the tenour of our song.
 Scotland, thro' each winding vale
 Far and wide the notes prolong.

Sisters, hence with spurs of speed;
 Each her thundering faulchion wield;
 Each bestride her sable steed.
 Hurry, hurry to the field!"

Sigurd married for his first wife, a woman whose name is unknown. He married, second, Olith, Alice or Thora, daughter of Malcolm II., King of Scotland.

Issue:

1. Hundi, or Whelp, who died in captivity in Norway before 1014.
2. Sumerlid, or Somereld, or Sumarlis, who died about 1015.

3. *Brusi*, of whom below.
4. Einar Wrongmouth, who died in 1026.
5. Thorfinn, eighth Earl of Orkney. He married Ingibiorg, daughter of Earl Finn Arnason.
6. Ellen. She married Duncan, son of Malcolm II., King of Scotland.

X

BRUSI, or BRUSEE, son of Sigurd by his wife Alice, although he was a man of peace for those days of warfare was the center of storms during his life and bequeathed an inheritance of bloodshed to his sons. When his father died four sons, Sumerlid, Brusi, Einar, and Thorfinn were left. As soon as the youngest attained to maturity he demanded from his brothers his share of the earldoms of his father and was supported by his grandfather, King Malcolm.

"Earl Thorfinn was from his youth up speedily wrought with all pith: he was mickle and stark; a man ill-favored: and so soon as he waxed in years it was easily seen of him that he was a grasping man, hard and grim and exceeding wise."¹

Thorfinn began his career when he was only fourteen years of age, going forth on sea excursions for plundering. His skald, Arnor, thus sang of him:

"By the prince in storm of helmets
Was the sword's edge deeply crimsoned.
Scarcely fifteen the great hearted
Sought renown on fields of battle,
Ready to defend his own land,
Or to ravage in another's.
Under heaven a braver leader
Ne'er was found than Einar's brother."

In the struggle that Thorfinn made for Orkney Brusi was always the peacemaker. He conceded Thorfinn's claim and contented himself with a third part of Orkney, where he ruled well beloved. At a great feast that was given by Thorkel Fosterfather at Sandwick to celebrate the peace between Einar and Thorfinn, Thorkel, acting under the advice of King Olaf of Norway, slew Einar as he sat at the hearth stone. After that,

¹"Heimskringla of Snorri Sturlason," vol. II, 170.

by the support of King Olaf, Earl Brusi held two-thirds of Orkney for a time until finally, about 1030, Thorfinn again wrested from him all but his original one-third "whenas Knut the Rich had laid Norway under him, and King Olaf was gone out of the land."

"Brusi was meek and peaceful, wise, deft of speech and well beloved. Einar was stubborn, sullen and gruff, grasping and griping and a great warrior. Sumerlid was like to Brusi in his ways."¹

Brusi was converted to Christianity in the eleventh century. He became privy councillor to King Olaus the Holy and was made Earl of Cathanes and Sutherland.

He died in 1031.

He married Ostrida, daughter of Regenwald Wolfson, Earl of Gothland.

Issue:

1. *Rognvald*, of whom below.
2. *Ingræda*. She married Turbrand, son of Galbrand, a noble of Norway, who was murdered by Alfred, son of Uchtred, Earl of Northumberland.
3. *Margarita*, who married Thurbrand the Bald, a Danish nobleman.
4. *Olaf*, a monk of Clareveux.

XI

ROGNVALD, son of the preceding, was early in life held in hostage at the court of King Olaf the Holy, of Norway. He became a general in the army of Olaf and when the king was compelled to flee from Norway Rognvald shared his fortunes. On the battlefield of Sticklestead, where Olaf was slain, he distinguished himself and saved the life of Harald, the brother of the king. Subsequently he was made governor of the Castle of Oldegorburg in Russia by Duke Waldamar.

After the death of his father Rognvald waged ineffectual warfare against his uncle Earl Thorfinn for the recovery of Orkney. In the end in 1046 Thorfinn subdued all Orkney and made the islands his principal home. Rognvald escaped to Norway but soon returned and, discovering the home of his uncle, set fire to the house to destroy him. Thorfinn, taking his wife

¹"Orkneyinga Saga."

Ingibiorg in his arms, broke through the vaulted roof of the house and, escaping, fled to Cathanes. Rognvald, supposing that Thorfinn had perished in the flames, took possession of Orkney and proclaimed himself ruler of all Thorfinn's dominion in Cathanes and Hebrides. For a time Thorfinn, undiscovered, lived quietly among friends in Cathanes, but about Christmas 1046 he went secretly to the island of Papa Stronsay, where his nephew was and set fire to the house in which Rognvald dwelt. Although Rognvald then escaped he was soon after taken prisoner and put to death by Thorkell Fostri, the follower of Thorfinn, who years before had also killed Earl Einar, his father. It was said of Rognvald that—

“he was the goodliest to look upon, his hair thick and yellow as silk; he was of early days big and strong, and of all men was he the likeliest, both by reason of his wits and his courteous manners.”

He married, first, Arlogia, daughter of Duke Waldamar; second, Felicia, daughter of Robert, Duke of Normandy, who was father of William the Conqueror.

Issue:

1. Waldamar of Russia.
2. *Brusi*, or *Robert de Brusee*, of whom below.
3. Hamilliana. She married Ottala the Brisk, Prince of Russia, nephew of Waldamar.
4. Arlogia, who married Thurston du Beck.

AN OLD STREET OF NEW YORK

BY JAMES V. ENTON

II

PALISADES, such as were then put up, were very commonly placed on the outside of all American towns that were exposed to attacks from Indians. They were the trunks of straight young trees, of nine or ten inches in diameter, sharpened at both ends, the upper end being sharper than the other. They were driven into the earth as close to each other as was possible, and on the inside there were posts or cleats to stiffen them. Their length in various towns was from ten to sixteen feet. Those in New York were planted in a trench three feet deep, and were pierced from musketry.

Just west of Catimut's hill, and along the line of Magazine street, was where the executions of the victims of the negro plot had taken place. It does not seem to the disinterested reader of this series of trials that there ever was any plot among the inoffensive blacks. But the public, growing excited as the reports of insurrection and arson reached it, demanded victims, and the judges and juries yielded to them, as they did to the accusers of the so-called witches in Salem. Mr. Grim stated that the location of the executions was at a point in the centre of the present City Hall place, midway between Pearl and Barley streets. Here executions took place for many years. Just beyond was the negroes' burial ground.

The last part of the present Pearl street to be built upon was that known as Magazine street. Its location was determined by the natural topography of the country. All Manhattan Island was once covered with hills. Those at the north were chiefly rock, while those at the lower end of

STREET OF NEW YORK

JAMES V. ENTON

II

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word Kalchhook of Shell Point. It is supposed to be so named from the piles of shells upon the shore. This pond, says Miss Booth, in her "History of New York City" was at the close of the Revolution:

"Deep, clear, and sparkling—a miniature sea in the heart of the city. Its waters still furnished food for the angler, and rumors were rife of strange sea monsters which had been seen therein, one of which had carried off a Hessian trooper in the days of the Revolution. It was a man-trap, too, for the unwary traveler, and from time to time a citizen, who had mistaken his way in the darkness or had drunk too deeply, fell from its banks and was drowned where now is solid ground. The possibility of such a transformation had not yet occurred to the busy speculators; but schemes were projected to convert the beautiful lake into a means of ornament and profit. One company proposed to buy up the lands around it, and, preserving the lake in its primitive condition, to lay out a portion of the grounds as a public park and realize their expected profit from the enhanced value of the remainder. But this project was scouted as visionary by the cautious capitalists, who could not credit that the city would ever extend so far; the proprietors of the land, joining in the belief, were unwilling to risk their property in so wild a scheme; and the plan which would have preserved an inland sea in the heart of the city, a natural feature shared by no other, was finally abandoned by its enterprising projectors."

It could not have been otherwise. No pond of that size would have been anything else than a receptacle of the filth of the neighborhood. The Collect was too small to be an ornament of itself, unless the shores were also left in their native beauty. As soon as the Revolution ended, in fact before that time, it began to be filled up, and the street which led from the hospital to Chatham street and Queen street, although only a muddy lane, year by year grew more solid. Houses were put on either side. In 1807 the Scotch Presbyterians had a church there, and the streets were completed on paper, instead of being interrupted as they were ten years before. Reade and Duane streets were opened through in 1794. A survey of the pond and the



Ruins of Brecknock Castle.

land about it was made in 1790, and the next year the corporation purchased the claims of the heirs of Anthony Rutgers for one hundred and fifty pounds sterling. Soil was taken from the hills in the neighborhood, and the area of the pond became less, while its waters were shallower. Yet so slow was the progress that there are men yet living who have skated upon its surface and fished in its depths. It was there that the first steamboat was tried, the one invented by Fitch, twenty years before Fulton set sail with the Clermont.

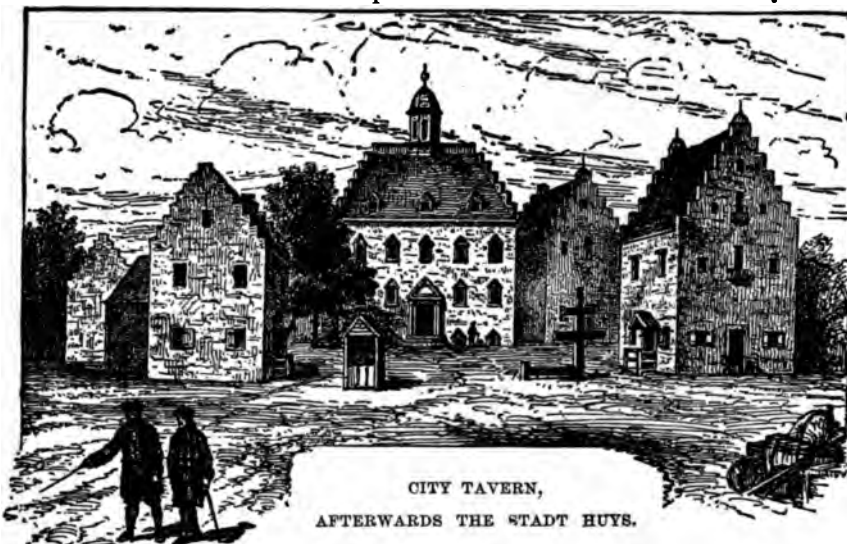
To the east of the Collect there was a little brook known once as the Old Kill or the Old Wreck Brook. It followed its devious way down to the East River at James street, crossing Chatham street at Pearl. Here was a bridge, the first of the kissing bridges. The title was afterwards transferred to other structures, but this was the original kissing bridge. When on sleigh rides the swain was crossing the stream with his fair one, custom allowed him to take toll from her lips, and it is said that when sometimes the young man, with more modesty or less assurance than usual, refrained from exacting the penalty his companion would sulk and pout for the remainder of the drive.

This was the end of the town in pre-Revolutionary days, and municipal ordinances recognized the fact. To the north of the bridge was what is now Chatham square, then a hill with one farmhouse upon it. The water connection on the east side by this brook to the Collect was continued on the west by another stream, which crossed Broadway at Canal street, and it was for a long time contemplated to straighten their outlets, cut them deeper, put banks to them, and thus make a canal which would extend completely across the city. Such a plan would have been of advantage to us had New York remained a little provincial town of one or two hundred thousand population, but it would have been a bar to progress to us as we are now.

Closely connected with this water course was the great spring on Chatham street, the tea water pump. It was undoubtedly supplied by the same sources that the Collect

was. Up to fifty years ago it was an established feature of the thoroughfare just below the intersection of Pearl and Chatham streets. A continual succession of carts took the water away in barrels, and no housewife would use any other water when she could procure this. The water supply of the Manhattan reservoir came from the same underground spring. At one time this supplied twenty-five hundred families with water.

In that part which leads from Chatham street to Franklin square great changes have been made within fifty years. The new Bowery and Chambers street have been cut through since that time, and later the Brooklyn Bridge was erected. New streets hewn through where blocks of buildings were have given an appearance to the street corners much unlike those anywhere else; and many edifices were torn down for the convenience of the new approach to Brooklyn. On the square was one house in which Washington had dwelt, a fine, stately mansion, abundantly described in the journals and diaries of a hundred years ago. Others of more moderate pretensions were also cut away.



Since the Walton house has been razed only one other house is left which in its day made any pretensions. It is the New Sailors' Home. Its prosaic use, the dirt in the

neighborhood, the sporting temple next door, and the elevated railroad before it, all combined, do not destroy the evidence that it was well planned and well built, and was once the home of some wealthy citizen. Inside the structure are to be found several fine pieces of work. Tradition says this house was occupied by George Clinton, when Governor of this State, not immediately subsequent to the evacuation, but a considerable time after. Of this, however, there is no confirmation obtainable. It is well recollected, however, that he was a resident of Pearl street, opposite the end of Cedar street, as soon after the close of the war as he could obtain possession. The building was a three and a half story structure, with dormer windows. Here the Governor dispensed his hospitality, and here all distinguished strangers came to pay their respects to this great patriot. Later he removed to the Government house on the Battery, where one of his daughters was married.

A little further down Franklin square than the Sailors' Home was the spacious dwelling of William Walton, which when built was regarded as the handsomest in the city. Its width was great, and it abounded in carved work and fine decorations. It is said that a banquet given at this house was the immediate cause of the Revolutionary War. Mr. Walton made one day a dinner to the principal inhabitants of the town and to the military officers who were here. The greatest profusion was exhibited. Luxuries from every clime were there; the napery was of the finest, the service unequalled, while the tables groaned with the weight of gold and silver plate upon them. The food was unsurpassed for no English town could then match New York in its supply of fish, fowl and game. The officers were delighted with their reception, and were never tired of telling about the profusion and wealth there exhibited. One of them repeated the story to a minister of the Crown, and the latter determined to bring in a bill for taxation of the Americans. No plea of poverty could be made if they were able to afford such banquets. The bill was brought in, its execution was resisted, hard feelings became common, and in the end

there was armed opposition. Thus the independence of America was due to the lavishness of a New Yorker. So runs the story, at any rate. In this building the first New York bank was organized.

Hague street, looking down from Pearl street, is a dark and narrow alley, making a half turn in its course, and remarkable only for the great explosion there more than fifty years ago, by which many lives were lost. The street was ravaged by the great fires of 1776, 1778 and 1835. In the latter, which was the greatest in America until the Chicago fire, and surpassed even that in relation to the means of the people, Pearl street was the centre. In every direction from Hanover square the flames extended. It was at first thought that this open space would be a good place in which to store goods, and that the Garden Street church would afford another good place. Its yard was filled with costly merchandise. There was no possibility of controlling the conflagration, however, except with gunpowder, and silks from France, lace from Belgium and teas from China were burned in these two places as easily as if they had been in a wooden building. Directly south of Hanover square, upon Pearl street, is an inscription which shows where the flames were stopped. The ruins smoked until spring, the fire being in December.

A great trade in New York is now dry goods. The wholesale district is now on the west side of Broadway, from Duane street north half a mile. It was once on the lower part of Broadway and on Pearl, Pine, Cedar, and William streets. Pearl street was the chief. In the last century all goods of this kind were brought from England and France, and displayed on this thoroughfare. But as the city grew larger and older it was supplied to some extent from New England. Commission houses began, and the dry goods trade assumed somewhat the appearance it has now. That this was one of the chief industries of Pearl street can be inferred from the fact that in 1834 the following numbers were of those who traded in dry goods: Nos. 61, 100, 115, 118, 122, 126, 140, 157, 158, 160, 164, 165, 166,

174, 175, 176, 178, 179, 181, 181, 188, 190, 195, 208, 214, 217, 226, 231, 234, 242, 250, 252, 254, 255, 269 1-2, 271, 283, 284, 307, 438 and 464. So important had this trade become fifty years ago a book was written entitled the "Perils of Pearl Street," which told the dangers that might be met with there in much the same terms as we might now use, if we were disposed to moralize, concerning Wall street or New street. This street was also the hardware centre. In that year there were on its line the following banks and other noted places of commerce:

The Fulton Bank, corner of Fulton; the Leather Manufacturers' Bank, No. 334; Dry Dock Company, office No. 338, bank corner Avenue D and 10th street; Jefferson Insurance Company, corner of Chatham street; Eastern Pearl Street House, No. 309; Holt's Hotel, corner of Fulton, by Stephen Holt; Pearl Street House and Ohio Hotel, No. 88, by Mahan & Peck; United States Hotel, Nos. 178 and 180; and the Walton House, No. 328.

The one above called Holt's Hotel, but later the United States Hotel, until that made way for a modern business structure, was in its day one of the wonders of the New World. It was the largest and most magnificent inn that up to that time had been erected, and its prices, a dollar and a half a day, were thought to be exorbitant even by many who had accumulated considerable property. Two terms are used in a description contemporary with its building which have now gone out of use. "In the relish room," it says, "there can be found superior accommodations on terms as reasonable as at any establishment in this city." It further says that in the second story, on the Water street side, "is a large room in which there is daily a public ordinary, and to which resort many of the most respectable and influential men of the city." On the roof there was a promenade, and in the basement there was an artesian well, which at that time was over five hundred feet deep. It subsequently went down much further. Here was probably the first engine which was used in a hotel to facilitate the labor. Passenger elevators had not then been thought of, but bag-

gage was carried upstairs by steam power, and it was also used for turning spits, grinding and cleaning knives. Its main purpose was, however, digging the artesian well.

Mr. Holt was a man of decided originality of character. He came to New York from Salem in 1808, then being employed as a cabinet maker, and shortly after opened a small victualing house, which was managed by Mrs. Holt. In 1814 he had a boarding house for the accommodation of officers of the army, and next took larger premises in Front street, between Burling slip and Fulton street. Calamity overtook him there, and he was burned out. He was then penniless, but he obtained on credit another house in Fulton street, where he was very successful. The point in which he differed from his rivals was making his charges very moderate in amount, and depending upon a large trade to reimburse him. It is understood that in his venture on the corner of Pearl street and Fulton he changed his management, asking what other fashionable houses did. The expenses, which were larger than there had been any precedent for, devoured the receipts, and he failed, the hotel passing out of his hands. It was opened in January, 1833, the Astor House, the next large hotel, being erected about three years later. At 245 Pearl street was the shop of David Felt, the stationer, who for many years was at the head of his calling. His establishment was so large that in a Henry Clay parade in 1844 he turned out between three and four hundred employees, and he was long reputed to be the richest of his craft.

Pearl street ends at Broadway. The last few hundred feet of its course it climbs a hill, once higher than now. Upon it was a pond, while directly opposite the end of Magazine street, as it then was, was erected the hospital, the one bit of picturesqueness that the lower part of New York contained forty years since. The hill covered forty acres. Colonel Rutgers held part of this plot in the middle of the last century, but towards 1770 it became the Ranelagh Gardens, with dancing platform, music, flowers and refreshments. It was sold in 1770, being bought by the Hospital

Association, which proceeded, with help from the Corporation, to build. This was begun September 2d, 1773. In 1775 it was partly destroyed by an accidental fire, but it was sufficiently repaired to serve as barracks for the British soldiers during the war. After the peace it again became a hospital. In this neighborhood, also, was the first Broadway Theatre. There was a Scotch Presbyterian Church on the north side of Pearl street, a little west of City Hall place.

ORIGIN AND DEVELOPMENT OF THE SILK INDUSTRY IN AMERICA

BY HENRY WHITTEMORE

(Continued from the November Number)

II

THE increased attention given to the business in that place directed interest in other parts of the country to the subject, and Congress, on the 29th of December, 1825, adopted the following resolution, introduced by Mr. Miner, of Pennsylvania:

“Resolved, That the Committee on Agriculture be instructed to inquire whether the cultivation of the mulberry tree and the breeding of silk-worms, for the purpose of producing silk, be a subject worthy of legislative attention; and should they think it to be so, that they obtain such information as may be in their power respecting the kind of mulberry tree most preferred, the best soil, climate, and mode of cultivation, the probable value of the culture, taking into view the capital employed, the labor and the product, together with such facts and opinions as they may think useful and proper;

“Resolved, That the same committee inquire whether any legislative provisions are necessary to promote the production of silk.”

In obedience to the resolution of the House, of December 29th, Mr. Van Rensselaer, from the Committee on Agriculture, on May 2d, presented a report on the expediency of encouraging, by legislative measures, the planting of mulberry trees and the breeding of silk-worms for the production of silk. The committee stated that mulberry trees were indigenous to the United States, and that silk could be

raised with facility. Measures had been recently adopted in Savannah to renew the culture, which had been suspended by the Revolution. Considerable sewing silk was at this time made in Kentucky, and the business was prosperous in Connecticut. The total value of silks imported in five years from 1821 to 1825, inclusive, was \$35,156,494, of which \$7,968,011 was exported. The exportation of breadstuffs, on the other hand, had fallen off from \$20,374,000 in 1817 to \$5,417,997 in 1825, in which year the silk imported reached the value of \$10,250,000. The committee submitted a resolution, which was adopted on the 11th, directing the Secretary of the Treasury to cause to be prepared and laid before the House early in the next session, "a well-digested manual on the growth and manufacture of silk." The report of the Secretary, Richard Rush, was made in February, 1828, and six thousand copies of the report and manual were printed. This, with other measures soon after adopted by Congress for circulating information on the subject, first directed public attention strongly to the silk culture in the United States, which for several years "was presented with an enthusiasm," says Dr. Bishop, probably unequaled in our industrial history, and which proved ultimately injurious to the object it was designed to promote.

In 1829, handsome silk ribbons, in great variety, were manufactured in Baltimore from American silk. Silk to the value of \$25,000 was made in Mansfield, Conn., chiefly by women and children. The first attempt in the United States to manufacture sewing silk by machinery was made at Mansfield this year by Captain Joseph Conant, afterward of the firm of Conant & Smith, Northampton, Mass., and Mr. Atwood, subsequently of the firm of Atwood & Crane, Mansfield, by whom the business was continued. After many losses and discouragements they succeeded in producing a good article. Silk pocket-handkerchiefs by Mr. Bryant, and other silk goods by James Rud, were exhibited at the American Institute Fair. A powerful interest in the silk culture was excited by some essays and experiments on American silk, published in July, 1825, at the suggestion of

John Vaughn, by Mr. D'Homerque, a practical silk manufacturer, of Marseilles, France, who had been invited to the United States by the American Silk Society of Philadelphia. He advocated, in connection with P. S. Duponceau, Esq., a filature system as the only effective means of promoting the silk culture, and their efforts were followed by the introduction, soon after, in Congress, of the famous silk bill, which was ultimately defeated, an experimental filature having in the meantime been started in Philadelphia by them in 1839.

The proceedings of the Chamber of Commerce published early in the year, in relation to American silk, state that a sample of silk reeled in Philadelphia by Mr. D'Homerque was assayed by a sworn and licensed assayer, and was declared to be of an extraordinary quality and admirably adapted to the uses of fabrication. . . . American silk is fine, nervous, good, regular, clean, of a fine color; in short, it unites all the qualities that can be wished for. Its value was estimated at twenty-six francs (five dollars) a pound.

Mr. Rapp, of Economy, Pa., who commenced the silk culture in 1828, and made from his first crop fifteen or eighteen yards of striped silk for female apparel and vestings, also made during the last year some black figured silk vestings and one hundred black silk handkerchiefs, which were wholly the product of his society from the worm to the looms.

The public interest in the silk culture continued to extend, and raw silk was produced in small quantities by individuals in many parts of the country. The Legislature of Massachusetts appropriated \$600 for the printing of a manual on the silk culture for distribution throughout the State. The work, entitled "A Manual of the Mulberry Tree and the Culture of Silk," was prepared by Jonathan H. Cobb, of Dedham, Mass., an early cultivator of the *multicaulis*, and inventor of an improved silk reel, and contributed much useful information on the subject. In 1833, Congress ordered two thousand copies of this manual to be published for distribution to the members. By increased attention,

several persons, in 1833, succeeded in raising two crops of silk, some of which was exhibited at the Fair of the American Institute in New York. The *morus multicaulis* was used for the worms. A silk factory at Mansfield, Conn., under an English manufacturer, with swifts for winding hard silk, employed thirty-two spindles for soft silk winding, and two broad and one fringe silk loom. It had machinery enough to employ thirty broad looms and fifty hands.

During the next three years there was considerable progress in the silk culture in different parts of the country, and large profits were made by the sale of the young plants of that and other species and varieties of mulberry which, severally, had their advocates, and many were induced to engage in the "silk business," as it was called, and which a few years after degenerated into a mere speculation in trees to the permanent discredit of silk raising in the United States.

Silk societies and stock companies continued to be formed in different parts of the country. In Massachusetts a legislative bounty of ten cents a pound for cocoons, and one dollar for raw silk made in the State was offered April 11th, but only \$85.20 was claimed during the year. Maine offered bounties of five cents for cocoons and fifty cents for raw silk, and New Jersey fifteen cents a pound for cocoons raised in the State for five years.

The general prosperity of the country was indicated by the importation in 1836 of silks—chiefly manufactured goods—to the value of \$22,000,000, or more than double the average of former years. The total importations for the year amounted to \$159,000,000, and averaged for the last three years \$122,000,000 per annum, against an average of \$70,000,000 annually for the five years under the tariff of 1828.

What was said to be the largest establishment for sericulture in the world was the property of a Mr. Physir, of Germantown, Pa., consisting of 400,000 mulberry trees and 1,000,000 silk-worms, a number he had expectations of increasing to 50,000,000.

On December 11, 1838, a convention of silk-growers was held in Baltimore, at which about two hundred delegates assembled, who elected Judge Comstock, of Connecticut, president. Resolutions were adopted to form a national silk society (which was organized the next year), and to issue an address to the people of the United States on the culture of silk. They also recommended the Piedmontese reel as the best in use that cultivators of the mulberry should give attention to the production of silk; that auxiliary silk societies be formed in the several States, and that another convention be held in Washington in December, 1839. Much practical information was given by members of the convention. Specimens of silk ribbons and galloons manufactured in three weeks from the tree and woven at the rate of three hundred yards a day by a young woman, after only three months' instruction upon a loom recently invented in Massachusetts, and certified by a silk merchant of thirty years' experience to be as good as he ever saw, were exhibited to the convention. The National Silk Society resolved the following day to establish a national silk journal, devoted to the advancement of the silk cause in the United States, the first number of which was issued in January, 1839.

(To be continued.)

POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY, 1789-1801

BY DON ENSMINGER MOWRY

UNDER the Old Confederation, there was no national judiciary. Congress was made a court of appeal in disputes arising between States. Congress might establish courts for the trial of pirates and felonies committed on the high seas. It could form itself into a court of justice when it desired, yet, it had no power of executing its judgment. It was only when national law began to operate upon individuals that there was real need for a national judiciary.

To establish a national judiciary with power to secure the supremacy of the general Constitution; to give such a judiciary specific authority that would make it recognized on unquestionable points of legality, over and above the state tribunals; to add to these peculiar powers the faculty of dispensing justice to foreigners; these were the objects, not easily attainable, which the framers of the Constitution considered with reference to the scope of the judiciary.

While it was resolved that the tribunal should consist of one court, and that the power of creating inferior courts should rest without abatement with the legislature, nothing was explicitly determined respecting jurisdiction. No other provision was made than that the jurisdiction should embrace cases arising under the laws of the United States, and that such jurisdiction should be appellate only. The trial of criminal offences, then, (except in cases of impeachment) was to be in the states where the crime was committed.

It becomes quite evident that the Constitution¹ was silent upon proceedings in equity and at common law. The general

1. Meigs, "Growth of the Constitution," p. 118, *et seq.*

plan was one which contemplated a supreme tribunal with original jurisdiction over a few specific cases within the Judicial power, and appellate jurisdiction over all other cases. Such cases as might arise under the Constitution and treaties of the United States had not been included in the general plan which seemed adequate for the establishment of a national judiciary.

"The conformity of the laws of Congress to the Constitution, then, could not be determined by the judicial power when drawn into question in a judicial proceeding."² A provision was added, however, which brought under the national judiciary all judicial cases proceeding directly from the Constitution, with the result that the proportions and efficiency of the tribunal was materially strengthened. The judiciary, then, was to take cognizance of every duty that the Constitution exacted, and of every right that it conferred.

The hidden sovereign power, thus bestowed upon the judiciary, was scarcely comprehended at the time of its conference. It even seemed to some that "the United States presented the extraordinary spectacle of a government destitute even of the shadow of constitutional power to enforce the execution of its laws."¹

The judiciary was primarily to perform for the national governmental system what the state courts did for the states, and it may be safe to say that no other functions were seriously thought of or considered. Under this interpretation, the department was declared "supreme" with the other branches of the government.

The Constitution did not define the extent or prescribe the limits of the judiciary.² The judicial power was essentially whatever the time declared it to be. The independence and scope of the department could not be realized at the time of its establishment. It was only after a period of intense factional strife³ that the real place of the judiciary was determined upon.

2. Curtis, "History of the Constitution of the United States," vol. II, p. 430.

1. See *The Federalist*, No. 21.

2. Boudy, "Separation of Government Powers," pp. 79-80.

3. Periods:

1789-1816, Factional Strife.

1820-1860, Class Struggle.

1870-1900, Struggle for Popular Rights.



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"Judicis est jus dicere, non jus dare." The judiciary was to serve primarily as a check against the despotism of the legislature. Even then, the people were final authority and there seemed to be little need of reservations.² The whole scheme of securing liberty by constitutional restraint was, to the Federalist, a mistaken one. Political power belonged to the representatives of the people themselves.³ It was the national rights philosophy that was at the bottom of the Federal Ideal.

Jefferson saw that the judiciary must be kept independent of the executive. "But how can we," he says, "expect impartial decision between the general government, of which they are so imminently a part, and an individual state from which they have nothing to hope or fear? They undermine independent rights of states and consolidate all power in the hands of that government in which they have so important a free-hold estate."⁴

The opponents of the Federalists,¹ the Democratic-Republicans, feared that the power granted to the new judiciary would enable it to overstep its jurisdiction. At the passage of the Act, however, they figured that there was a power—Congress—that would watch and restrain the judiciary.² While Jarvis considered that the judges were the ultimate arbiters of all constitutional questions, Jefferson asserted that such a method would place us under the despotism of an oligarchy. "If the judiciary is to be independent of the nation, the Constitution is but a thing of wax in the hands of the judiciary, which may be twisted and shaped into any form they please."³

Hamilton, on the other hand, was firm in his belief that only in the judiciary could an investigation of facts be had where parties could be heard and evidence produced on both sides.⁴ He desired less restriction of the Constitution, in order to insure speedy trial and justice.⁵ "I agree," he says, "that there is no liberty of the power of judging be it not separated from

2. *The Federalist*, No. 84.

3. *The Federalist*, No. 28.

4. Jefferson, Works, vol. I, p. 81 *et seq.* "They" refers to the Administration.

1. For origin of name see Gay, "Life of Madison," p. 90.

2. Jefferson, Works, vol. II, p. 152 *et seq.*

3. Jefferson, vol. VII, p. 134.

4. Hamilton, Works, vol. IV, p. 17.

5. Hamilton, vol. VII, p. 769.



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the legislative and executive powers."⁶ The Federal policy was not, however, in exact accordance with the ideas of Hamilton.

It was universally believed by the Federalists that the legislative, executive and judicial branches were co-ordinate, and that each was bound to support the Constitution, guarding it according to its own interpretation. The judiciary, moreover, familiarized itself most to the public attention, and therefore attracted the public confidence. While the three branches were equal in theory, it was expected that the judiciary would gain the most confidence and respect.¹

In response to the argument that the judiciary would now hold itself independent of the legislature and become colossal and overbearing, capable of degenerating into a permanent tyranny, Hamilton says:

"The Constitution provided a safeguard in the authority of the House of Representatives to *impeach*, and the Senate to *condemn*. Judges are in a way amendable to public justice for misconduct. In the hands of the legislature is placed the weapon. Concede to the legislature and where is security of the judicial department?"²

President Adams strongly believed that a balance of power between the three great branches of the government was the only means of scouring the country against tyranny.³ He believed that the judicial power could not be relied upon to hold the balance between two contending powers because the legislature could undermine it.⁴

It was asserted by the Republicans that the judges, if rendered and kept strictly to their department, would merit great confidence for their learning and integrity.⁵ But Jefferson could not be made to believe that the new judiciary would be kept independent by the Federalists. In his opinion the supreme court would be able, under a new regime, to build up its own independency. He considered the foundation of the Constitution as

6. *The Federalist*, No. 48.

1. Madison, Works, vol. IV, p. 349.

2. Hamilton, Works, vol. VII, p. 806.

3. Adams, Works, vol. IV, p. 186.

4. Adams, Works, IV, p. 196.

5. Jeffersonian Encyclopedia, p. 448.

laid on this ground: "That all powers not delegated by the Constitution, nor prohibited by it to the state, are reserved to the states or to the people. To take a single step beyond, to boundaries thus specifically drawn around the powers of Congress, is to take possession of the boundless field of power susceptible no longer of any definition."³

It can hardly be supposed that a man with little regard for the doctrine of implied powers, that held by the Federalists, would look with favor upon the establishment of the national judiciary. But at the time of the enactment of the Judiciary Act there were no party distinctions, for the old Federalists and Anti-Federalists had ceased to exist with the adoption of the Constitution.

After the adoption, a party arose that was opposed to the Federalists,¹ from first to last; a party that was always "Agin the government." Such men as Jefferson, Madison, Randolph, Rutledge and Dickinson, Federalists in 1789, were advocating democracy and incidentally laying the foundation stone for the Democratic-Republican party.²

But the so-called anti-federal element was weak, disorganized and feeble even until 1793. It was not until *The Federalists* began to excite hostility by their judicial interpretations that the opposition was able to become a noticeable factor in the affairs of the nation. Perhaps there was no greater cause than this for the overthrow of the federal power in 1801.

The Federalists naturally approved of all that was being done by the government, while the often called Federal-Republicans, e. i. Democratic-Republicans, were merely opposed to the men in office under the Constitution. In them they saw sure signs of monarchical feeling.³

That the limits and bounds of the judiciary were not clearly comprehended, is shown in the attempt of Congress (by the Pension Act) to direct the judges to hear petitions to be placed on the pension list. Although Chief Justice Jay⁴ and his asso-

3. Gordy, "Political Parties," vol. I, p. 135.

1. This party retained its name.

2. Gordy, "Political Parties," vol. I, p. 92.

3. McMasters, "Constitutional History," vol. II, p. 49 *et seq.*

4. The Chief Justices have been: 1789-1795, John Jay; 1795-1801, Oliver Ellsworth; 1801-1835, John Marshall; 1835-1864, R. B. Taney; 1864-1874, S. P. Chase; 1874-1888, M. R. Waite; 1888—, M. W. Fuller.

ciates declared the Act unconstitutional because it placed non-judicial functions in the hands of the judiciary,¹ the decision excited little interest, for the judges signified their willingness to perform the functions not as judges, but as commissioners. The decision simply showed that the supreme court could declare statutes unconstitutional and void because of their non-judicial character.

The Bankruptcy Bill, which was nothing less than a party and class measure, excited some opposition in the Republican ranks. It assumed the right of seizing and selling lands, and so cut the knotty question of the Constitution whether the general government may direct the transmission of lands by discretion or otherwise.² The supreme court took no action on the matter and its silence gave the Democratic party a pretext for saying that the judiciary was unwilling to assert any prerogative which might draw odium on itself, or upon the new Constitution any additional shock.³

The positive strength of the new judiciary was shown when, in 1792, Alexander Chisholm, a citizen of South Carolina, brought suit against the State of Georgia in the supreme court. At the adoption of the Constitution, the common law doctrine prevailed that the State, being sovereign, could be petitioned, but not sued. The states were commonly understood to be the successors of the crown.¹ The supreme court, it was asserted, had only delegated power deriving whatever power it possessed from the people.²

Yet the supreme court, composed for the most part, of men favoring the Federal, broad construction policy, decided that under the Constitution a state could be sued by a citizen of another state. This act, on the part of the tribunal, established and determined the dignity of the court, and vindicated it from encroachment by the federal executive and legislative departments.

Hamilton, to give credence to the Federal view, asserted that

1. *American Law Review*, vol. XIX, p. 175 *et seq.*

2. Jefferson, *Works*, vol. III, p. 495.

3. *Chicago Legal News*, vol. XII, p. 420.

1. Thorpe, "Constitutional History of the United States," vol. II, pp. 270-1.

2. Powell, "Nullification and Secession," p. 52 *et seq.*

the constitutional provision only applied to actions brought by a state, not against it.³ Jefferson, fully convinced of the growing power of the judiciary, considered it a very dangerous doctrine to consider the judges as ultimate arbiters of all constitutional questions. The Chief Justice himself said of the decision: "Then it was that the Constitution produced a new order of things. It derives its origin immediately from the people and the people individually are subject to the legislative, executive and judicial authorities thereby established."⁴

The question inevitably arose: Was there not now a union of the three branches of government to create a despotism and crush out all state and political opposition? The southern faction of the old anti-federal party was aroused. Were the states to be deprived of all power of effective resistance? How could the states be compelled to answer on compulsory civil process?¹

The shock and surprise created by the decision of Jay and Wilson, caused the eleventh amendment to be almost unanimously passed at the first meeting of Congress thereafter. The amendment expressed "the ultimate sovereignty of the whole country superior to all legislatures and courts."² This dissenting opinion speedily became the basis of the Democratic party, and utterances of this party, year after year, finally resulted in the triumph of the party. The universal leader of this growing faction declared it of immense consequence that the states retain as much power as possible over its citizens. Withdrawing them under foreign jurisdiction was to him subversive of order.³ What power was given to the judiciary to judge of the constitutionality of laws? It was believed that this was a matter for the legislature itself.

The early political view respecting the judiciary, then, was not that it was a sort of *Vox Dei*, declaring law void; but a mere branch of the party government that must hold its party platform above everything else. It was not claimed for some time that the judicial decisions bound the other departments, or fixed irrevocably the actual meaning of the Constitution.

3. Landon, "Constitutional History," etc., p. 253.

4. Willoughby, "Supreme Court," p. 45.

1. Bradford, "Federal Government," p. 67.

2. Thorpe, "Constitutional History," vol. II, p. 293.

3. Jefferson, Works, vol. IV, p. 200.

There was a deal of Republican folly and complaint from the Democratic societies connected with the Embargo Act, but it was the sending of the Chief Justice to make an English treaty that aroused popular feeling and indignation. The judicial tribunal was assuredly becoming a political office. What was the Chief Justice but an executive officer in his new role? Treaties were the supreme law of the land and of that law Jay was the Chief Justice. In such a government there could be no hope for a free people.¹

The early² excise duties on liquor did not effect the judiciary until 1794-5, when the open violation of the peace of the country, resulting in the whisky Rebellion,³ compelled the judges to step in and assert the rights of the general government. The State of Pennsylvania endeavored to assert that the federal courts had no right to interfere with state affairs. The Supreme Court held, however, in the various trials which resulted, "that to resist or prevent by armed forces the execution of a particular law of the United States is a levying of war against the United States and consequently is treason within the true meaning of the Constitution."⁴

Somewhat later the insurrection and trial of John Fries⁵ emphasized the political truth that all constitutional acts of power in the judiciary have as much legal validity and obligation as if they proceeded from the legislature.⁶

The tax of carriages,⁷ which did not tax each state equally, but according to proportional representation, was held to be constitutional by the judiciary.⁸ Little open opposition was manifested, but the decision tended to arouse again the southern faction and may have had some effect upon the people of Kentucky and Virginia somewhat later.

How could the judiciary be kept separate from party politics, when the Federalists were bending all their energies to secure

1. *McMasters*, "Constitutional History," vol. II, p. 173 *et seq.*

2. March 1, 1791.

3. Lodge, "Hamilton," pp. 182-184.

1. Chase, "Answers and Pleas," p. 7.

2. Chase, "Answers and Pleas," p. 14 *et seq.*

3. *The Federalist*, No. 64.

4. Landon, "Constitutional History," p. 257.

5. *American Law Review*, vol. XIX, p. 187.

federal supremacy by means of the judiciary, and the legislature? It is clear that it could not be kept separate. The opportunity which offered itself was not overlooked by the Federalists in their eagerness to build up a "federal supremacy."

In 1796, Jefferson declared: "Most citizens remain true to republican principles in spite of the fact that the executive and judiciary, two of the three branches of the legislature, are against us."⁶

With Jefferson, the encroaching rights exercised by the judiciary must be stopped. This could only be accomplished by gaining political power. "We must join in the scramble or we will get nothing," he says. "The states must retain as much power over its citizens as possible. The withdrawing themselves under the shelter of a foreign jurisdiction is so subversive of order and so pregnant of abuse, that it may not be amiss to consider how far a law of *praemunire* should be revised and modified against all citizens who attempt to carry their cases before any other than the state courts."¹

The final legal step which did more than anything else to bring about the downfall of the Federalists and make an important change in the judicial system, was the passage of the Alien and Sedition Acts.

By the Alien Act, the President could order all persons whom he thought dangerous to the peace and safety of the country, out of the land. It purported to render the judiciary auxiliary to the executive. The orders of the President were to be executed without recourse to the courts. Jury trial was denied. It was, in a word, an effort to build up a strong executive department at the expense of the judiciary.

The Sedition Act put a limitation upon the freedom of speech. It aimed to crush out Democratic opposition which was firmly and well organized. There was a question as to whether decisions relevant to sedition would come within the scope of the national judiciary. According to a decision (recently rendered) of the supreme court, the criminal jurisdiction of the United States courts did not include the common law. While libel and

6. See his Works, vol. IV, p. 139.

1. See his Works, vol. IV, p. 200.

sedition, common law offenses, could be exercised in state courts. The federal courts had no corresponding functions. A final conclusion was advanced in regard to the Alien and Sedition Laws, but it was not in favor of the Federalists.

Of these measures, Madison said: "We are passing through a grave crisis and it demands concerted action on the part of the Federal party."¹

Jefferson was inclined to believe that the Acts were only experiments on the American mind to see how far it would bear an avowed violation of the Constitution. "If this goes down we shall see an act declaring that the President shall continue for life."²

The party principle is brought out in the words of Hamilton. "A law for restraining and punishing incendiary and seditious practices should be cognized in the United States courts. It is constitutional and politic to entrust such guardianship to courts of the United States. It ought not to be left to the states, always temporizing and sometimes disaffected."³

It was asserted, with truth, that the acts violated the rights of personal liberty¹ and infringed upon the state constitutions. Executive and judicial functions were plainly confused for the sole purpose of building up a strong executive department, that might be used for party plans and measures.

Jefferson's endeavor to strengthen the legislature, and thus destroy the executive power, were for a time of little avail. His efforts, however, did much to arouse interest, and aided materially in the formation of a thoroughly organized opposition. The growing power of the judiciary, and the control exercised over it by the Federal party, emphasized more and more upon the Democrats, that encroachments upon individual rights would become more frequent in the future.

While the theory held, to some extent, that the judiciary had no influence over the sword and purse; neither force nor will, only judgment;² it was clear to the Democratic-Republicans

1. Hunt, "Madison," p. 130 *et seq.*

2. Works, vol. IV, p. 244.

3. Hamilton, Works, vol. IV, p. 387.

1. Madison, Works, vol. VI, p. 524; also, Annals of Congress, pp. 1631, 1733.

2. Hamilton, Works, vol. VII, p. 808.

that, in order to insure non-partisan justice, active and aggressive methods must be employed to get control of the judiciary.

How could the judiciary be independent under federal control? When Adams urged that simple democracy was often exposed to fatal tumults, and that there never would be pure democracy,³ what wonder that the Democrats were aroused! The "balancing of power" theory seemed to be working to the injury of the people.¹

Party politics were materially strengthened as a result of the Alien and Sedition Laws. Truly, the Federalist became the party of political measures, while the opposition became the party of political principles. Thus the old theory is brought to mind, e. i. that the party out of office naturally and of necessity tends toward strict construction.

Jefferson did not hesitate to formulate a plan to demand the repeal of the "obnoxious" acts. The Kentucky resolutions were written by him,² and were closely followed by the Virginia Resolutions,³ introduced in the legislature of that state by Madison. There were the first political landmarks fixed by the Democratic party.

Besides placing the idea of state sovereignty before the people on a firm and practical basis, these Resolutions brought forth clearly and exposed effectively the efforts of the Federal government to strengthen and consolidate under federal judicial control as much of the state judicial power as was allowable. The discussion arising as to the rights of any state to reject any act of the United States court, resulted in separating—even more distinctly—both parties, and forced the Federalists to affirm most emphatically the constitutionality of the Alien and Sedition Laws. Was law an experiment aiming to deprive the states and the people of their reserved constitutional rights?¹ Were not the resolves of the Kentucky and Virginia legislatures a just condemnation of the illegal steps taken by the executive

3. Merriam, "American Political Theories," p. 125.

1. *The Federalist*, No. 78.

2. See McDonald's "Select Documents."

3. See McDonald's "Select Documents." The Kentucky Resolution were introduced by J. Breckenridge.

1. Schouler, "History of the United States," vol. I, p. 422.

with the passive approval of the judiciary and the open approbation of the national legislative body?

Hamilton urged that the government should adopt vigorous measures to keep down public sentiment, and "surround the Constitution with more ramparts." What was meant by *more* ramparts if it was not the extension of the judiciary?² It was hoped that the judiciary would be independent, but Hamilton clearly saw that the judiciary must be extended by the Federalists. If neglected, he thought, the ground would be occupied by the enemy the very next session of Congress. He even went so far as to predict that the Senate would be democratic in two years.³ He saw that by conceding to the legislature there could be no security for the Federal power.

Several federal judges were aristocratic. Samuel Chase had even become odious among his associates, for he was too ardent a partisan, trying cases like a political boss, seeking revenge, rather than the administration of the law and justice.⁴

These Jeffersonian resolutions, it may be repeated, were the direct resultants of the Alien and Sedition Laws, for the Republicans saw that the Federal judiciary was still Federal, and that the Federalists were bent on setting up a monarchy. Would Adams be made President for life?¹

The principle of central control was nothing more than a machine. To make a final arbiter was to make the machine master, for the judiciary was not only a part of the machine, but its most irresponsible and dangerous part.²

The aggressive opposition to the federal judiciary caused a split in the Federal party, resulting in the moderate and the radical wings. The moderate wing favored a broad construction of the Constitution and included such men as John Adams, John Marshall, and men of the school of southern Federalists. The other wing was headed by Hamilton, and considered the country threatened by serious dangers.

Both wings saw that the party power was seriously involved

2. Works, vol. VI, p. 383.

3. Works, p. 483.

4. See Chase's Trial, vol. II, for further emphatic rehearsal of his acts.

1. Brooks, "Short Studies in Party Politics," p. 29.

2. Adams, "Life of Randolph," pp. 35-6.

when the Presidential election in 1800 put the Democrats in possession of the executive and legislative branches of the general government. Steps were taken to retreat into the judiciary.³ An increased federal judicial establishment, before the Democrats assume power next March, would be the only method of keeping the Federalists in control of the judiciary.⁴

The Judiciary Act of 1789 required that two judges of the supreme court should hold circuits. In 1793 it was thought that one justice would be sufficient. But the increased duties of the judges caused a bill to appear, in 1799, with the ultimate object of increasing the district courts and circuit judges. It was not until February 13, 1801, just before the going out of the Federalists, that the bill was passed empowering the President to appoint sixteen judges to federal district courts. While the judicial extension was more or less needed, the act was a party measure, enacted for the sole purpose of keeping federal judges in the new circuit courts thus created.

The Federal party meant to make its past stand, before retirement from active political affairs, upon the encroaching policy, so offensive to the states and the local courts, for the purpose of obtaining a general submission to the judiciary and compelling the Republican party to resort to Federal courts, so recently created, for judicial decisions. And in order to do this more effectually, an assertion was made that these courts had a common law jurisdiction in criminal offences.

The election of the "Midnight Judges" by President Adams, created a deal of opposition within the party ranks,¹ and gave the Republicans a pretext for bringing about the repeal of the Judiciary Act of 1801. The only judicial credit that can be given President Adams was his appointment of John Marshall to the Chief Justiceship in 1801, an act which has since tended to vindicate his stand, since Marshall has proven to be the greatest chief justice that has held the office.

With the Federalists it was a question of judicial extension or no power at all. The election was already lost. By the Act

3. *Atlantic Monthly*, vol. LXXXIII, p. 745.

4. *American Historical Review*, vol. V, p. 682.

1. Channing, "The United States of America," p. 157.

of 1801, new federal districts were created to the number of twenty-three. The supreme court was to contain but four associate and one chief justice after the next vacancy. Thus this circuit court act, which passed the Congress by a strict party vote, became law in less than three weeks before Jefferson entered upon the Presidency.

By one stroke,¹ the Jeffersonian majority in Congress caused the repeal of the act. An apt conclusion is that the Federal party lost its power when it assayed to rule the American people by its own effete maxims.

Yet, the independency of the judiciary, if it ever was independent during this period, was totally destroyed by the repeal of the Judiciary Act of 1801. It was repealed to prevent and give a death blow to the pretension of rendering the judiciary an hospital for decayed politicians. The Republicans were not strong, and the judiciary was hopelessly entangled in party politics. The Supreme Court was left untouched, in spite of the political elements that effected the judiciary. It was now for John Marshall, in his new Chief Justiceship, which lasted for some thirty-five years, to place the judiciary upon an independent basis and "carry the Constitution through that experimental period which settled the question whether it should stand or fall."²

1. *Atlantic Monthly*, vol. LXXXIII, p. 747.

2. Phelps, "Orations and Essays," p. 38.

WAR QUESTIONS IN WISCONSIN

BY F. C. WINKLER

IT is proposed in this chapter to give a brief survey of the legal history of the state of Wisconsin in so far as war questions, those connected with the causes of the civil war as well as those which arose in the course of its progress were concerned.

The earliest of these in point of time, and at the same time the most important, turned upon the fugitive slave law of 1850. Section 2 of article IV of the constitution of the United States contains the following provision, the only enactment found in the constitution upon the subject:

“No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

In pursuance of this provision, the Congress of the United States on the 12th of February, 1793, enacted two brief sections; one authorizing the owner of any such person so escaping to arrest him, bring him before a United States judge, or any state judge or magistrate, and prove to his satisfaction, by oral testimony or affidavit, that the person arrested owed service to the claimant under the laws of the state from which he had escaped, whereupon it was made the duty of the judge or magistrate to give a certificate that such proof had been made and this certificate was declared a sufficient warrant for removing the fugitive to the state from which he had fled. The second section provided a penalty of five hundred dollars for knowingly and wilfully obstructing the execution of this law, or harboring or concealing the fugitive after notice that he was a fugitive from labor.

The act of September 18th, 1850, one of the famous compromise measures of that year, was intended largely to increase the facilities for reclaiming fugitive slaves to place the machinery for executing its provision in the hands of federal officers. It gave exclusive jurisdiction to the judges of the United States courts and to court commissioners appointed by them over all cases arising under the act. It authorized an increase in the number of court commissioners and prescribed the mode of procedure with detail. It provided for a hearing before the judge or court commissioner and made the certificate, if one was granted, conclusive of the right of the claimant and of the fate of the accused. It admitted proof by affidavit on behalf of the claimant, but enacted that "in no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." It very much increased the penalties and liabilities of persons who might resist the enforcement of the law or harbor or conceal the fugitive. It imposed strenuous duties, under severe penalties for neglect, on the United States marshals requiring them, under circumstances, to call out a posse comitatus to aid in the capture of a fugitive. It provided a fee to the commissioner hearing the case of ten dollars on granting the certificate to the claimant, but gave him five dollars only in case the proof failed to warrant the issuing of a certificate. Features unnecessarily irritating enhanced the unpopularity of an intrinsically distasteful law.

In March, 1854, Joshua Glover, alleged to be a fugitive held to service or labor in the state of Missouri, was arrested at Racine, Wisconsin, by the United States marshal by virtue of a warrant issued by the United States district judge. He was brought to Milwaukee and there lodged in jail pending a hearing. Excitement ran high. A crowd gathered at the jail, broke in the doors, set the alleged fugitive at liberty and he made good his escape. Sherman M. Booth, the editor of a pronounced anti-slavery paper at Milwaukee, had been concerned in the rescue. He was arrested for violation of the act of 1850 in having aided the prisoner to escape, upon a warrant issued by a United States court commissioner. Upon examination he was bound over to the next term of the United States district court. He gave bail, but

his bail surrendered him, and thereupon, by warrant dated May 26th, 1854, the commissioner committed him to the custody of the United States marshal.

The next day application was made to the Honorable Abram D. Smith, one of the justices of the supreme court of this state, for a writ of habeas corpus to the marshal of the United States. The writ was allowed. The marshal made return, setting up the warrant in his hands as justification. Mr. Justice Smith discharged the prisoner, giving his reasons in an elaborate opinion in which he held the act of September 18th, 1850, to be unconstitutional. He argued forcibly and insisted with emphasis that the constitutional provision referred to was in the nature of a mandate to the states only and conferred no authority whatever on Congress to legislate upon the subject. The case was taken to the supreme court of the state by certiorari. It was there argued with great thoroughness and ability. Mr. Byron Paine, afterwards one of the justices of the same court, appeared for Mr. Booth. Mr. J. R. Sharpstein, then United States district attorney, and Mr. E. G. Ryan, later chief justice of the court, represented the marshal. The court (then consisting of three judges) affirmed the order discharging the prisoner. The decision was unanimous. The grounds however on which the judges based their conclusions were not the same.

The judges were agreed in sustaining the right of the state judge to issue the writ of habeas corpus to the United States marshal, and upon this writ to enquire into and pass upon the sufficiency of a warrant issued by a United States court commissioner. Chief Justice Whiton yielded to the authority of the case of *Prigg vs. Commonwealth of Pennsylvania*, 16 Peters, 640, as establishing the constitutional authority of Congress to legislate upon the subject of reclaiming fugitive slaves, but held the act of 1850 to be unconstitutional on the ground that it attempted to vest judicial power, including the power to pass finally upon the question of liberty of the party claimed, in a court commissioner without constitutional warrant and in violation of the bill of rights. Mr. Justice Smith, while concurring in these criticisms on the law, reiterated his position that Congress was given no right of legislation on the subject, and that the act

was therefore void. Mr. Justice Crawford held the law to be valid and concurred in the judgment only on the ground that the warrant or commitment under which the arrest was justified did not upon its face show a case within that law. For a full report of this interesting case see 3 Wisconsin, I.

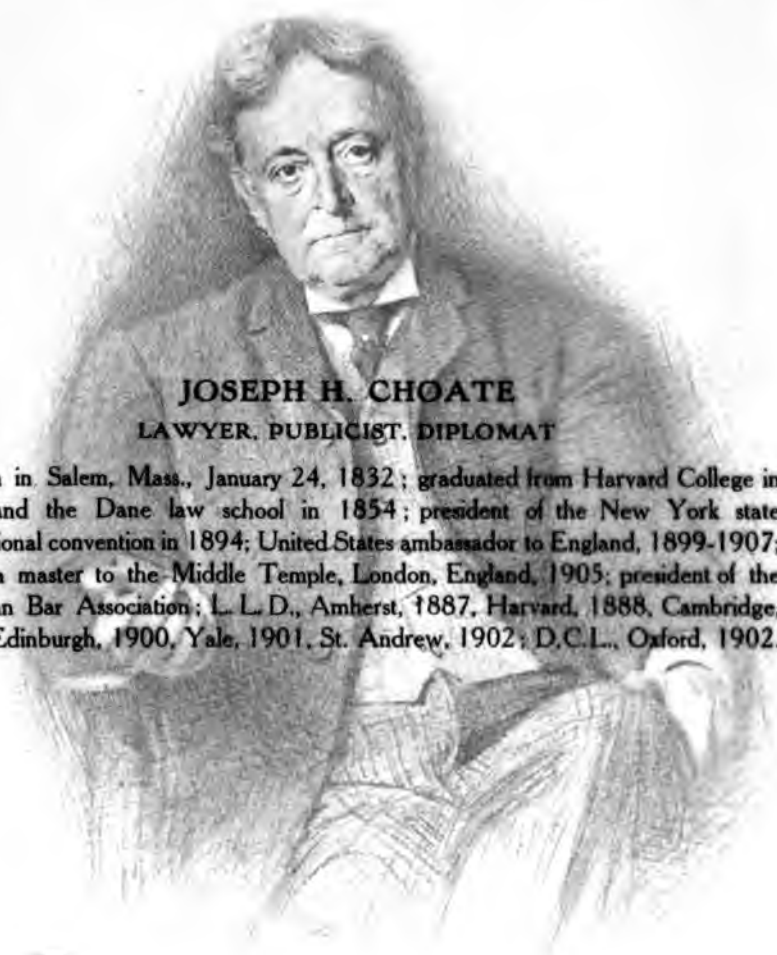
At the July term, 1854, of the United States district court for the district of Wisconsin, Sherman M. Booth and John Rycraft were indicted for aiding the escape of Glover, and warrants were issued from that court for their arrest to answer the indictments. Application was then made by Mr. Booth to the supreme court for a writ of habeas corpus, with allegation that the indictments charged a violation of the fugitive slave law, which was averred to be unconstitutional. This application was unanimously denied by the court. Chief Justice Whiton, delivering the opinion, took a distinction between a warrant of a court commissioner and a warrant issuing from the court upon a case pending therein, holding that in the latter case the granting of the writ would be an unwarranted interference with the jurisdiction of the court in which the indictment is pending. Mr. Justice Smith delivered a concurring opinion, in which he emphasized the time of the application as an objection to granting it, the jurisdictional question not having been first presented to the court in which the indictment was pending. *Ex parte Booth*, 3rd Wisconsin, 145.

Mr. Booth and Mr. Rycraft were thereafter tried in the United States district court and convicted of violation of the "fugitive slave act" and were sentenced to a short imprisonment in the county jail of Milwaukee County. A writ of habeas corpus was now again applied for to the supreme court of the state, upon a petition which was accompanied by a transcript of the record of conviction. The writ was granted. The sheriff of Milwaukee County, as custodian of the jail, made return, and the United States marshal, protesting against the jurisdiction, also made return of the facts and the record. The court entered judgment discharging the prisoners. The question chiefly discussed on the case was that of the power of the state court to enquire into and pass upon the question of jurisdiction of a federal court in a case which the latter had assumed to adjudicate. Each

of the three judges delivered an opinion. Each held to the right of the state court on habeas corpus to pass upon the jurisdiction of the federal court. All concurred, although on varying grounds, that want of jurisdiction appeared on the face of the record. In *re Booth & Rycraft*, 3rd Wis., 144.

To review the judgments discharging the prisoner, writs of error were issued by the supreme court of the United States and duly served. To the first writ, return seems to have been made without attracting special attention. When the writ was served in the second case, the supreme court of the state directed its clerk not to make return to it, taking the position that an appeal or writ of error did not lie from a state court to the supreme court of the United States, and that the act of Congress authorizing the same was unconstitutional. The attorney general of the United States had, however, obtained a transcript of the record from the clerk of the supreme court of Wisconsin, and when it was found that that court persisted in its refusal to allow a return to be made, the cause was docketed on the filing of this transcript in the supreme court of the United States and the cases were argued in due course. The supreme court, by unanimous decision embodied in an able opinion of Chief Justice Taney, reversed the judgment of the supreme court of Wisconsin. The chief justice arraigns the supreme court of the state with severity for the extraordinary assumption of annulling the sentence of the federal court by its decision of the writ of habeas corpus and then denying the right of review to the supreme court of the United States, thus placing the state court in a position of supremacy, the result of which must be that the federal courts must exercise their jurisdiction subject to the supervision, as to jurisdiction, of the local court in every state. The opinion presents a strong argument on the national side of the old controversy relating to the respective rights of the general government and the states, and a lucid exposition of the relations between them.

Several years had elapsed since the decision of the state court, and when the cases came to that court again its personal had entirely changed. Luther S. Dixon was chief justice, Orsamus Cole and Byron Paine, the associates. Of these, the latter



JOSEPH H. CHOATE

LAWYER, PUBLICIST, DIPLOMAT

Born in Salem, Mass., January 24, 1832; graduated from Harvard College in 1852 and the Dane law school in 1854; president of the New York state constitutional convention in 1894; United States ambassador to England, 1899-1907; elected a master to the Middle Temple, London, England, 1905; president of the American Bar Association; L. L. D., Amherst, 1887, Harvard, 1888, Cambridge, 1900, Edinburgh, 1900, Yale, 1901, St. Andrew, 1902; D. C. L., Oxford, 1902.



St. Charles

Joseph St. Charles

had been counsel for Booth, and Mr. Justice Cole had been a member of the court when it refused to make return to the writ of error and had concurred in that action. The cases now (June term, 1859) came in the form of motions to file the mandates of the supreme court of the United States reversing the judgments on the writs of error. Mr. Justice Paine, having been of counsel for Booth, did not sit. Mr. Justice Cole, although delivering no opinion, adhered to the view taken when a return to the writ had been refused. Chief Justice Dixon gave the subject careful and elaborate consideration. In an able argument, he asserted the jurisdiction of the supreme court of the United States to final arbitrament where federal questions are involved and contended that the mandates should be received and heeded. In view of the difference between the two judges who acted in the case, no affirmative action could be had and the motion was denied. *Ableman vs. Booth*, II Wis., 498. In March, 1860, Mr. Booth, who, after the decision of the supreme court of the United States, had been re-arrested, made another application for a writ of habeas corpus to our supreme court. This was denied, Mr. Justice Paine not sitting in the case and the chief justice and Mr. Justice Cole being divided in opinion. II Wis., (Vilas & Bryant's notes) 555.

Herewith the great judicial controversy, growing out of the fugitive slave law, in which such extreme grounds were taken, came to an end.

Mr. Justice Paine was first elected to the supreme court in 1859. He was elected on a pronounced state rights platform. He had been Mr. Booth's great advocate. After the close of the war he had occasion in several judicial opinions to refer to the subject of these decisions. In *Knorr vs. Home Insurance Co.*, 25 Wis., 143, he delivered a dissenting opinion, holding that the constitution of the United States contained no warrant for acts of Congress giving either appellate jurisdiction from a state court to the supreme court of the United States or the right of removal of suits from state courts to federal courts. He admits in his argument that under his view of the law there is no arbiter to decide between the respective claims of state and national authority; also that there ought to be such an arbiter and

that the supreme court of the United States would seem to be the proper tribunal; but contends that proper construction of the constitution as it stands does not admit of the granting of these powers. In the course of his opinion the learned Judge says:

"I am aware that the idea of state rights is at present exceedingly odious and unpopular. It is branded as a legal and political heresy, and held directly responsible for the attempt as a secession with all its disastrous consequences. But the two claims are entirely distinct and dissimilar. "Secession is revolutionary; state rights not. Secession seeks to withdraw and overthrow the powers admitted to have been delegated to the federal government. State rights make no such effort. Secession throws off entirely all obligation under the constitution of the United States. State rights throws off none of that obligation, but concedes that that constitution and laws made in pursuance of it are the supreme law of the state, and that it is the sworn duty of its tribunals to regard and enforce them as such. . . . These fluctuations in the popular feeling and opinion can have no legitimate influence upon the legal interpretation. Nor can they make it true, that, under our system of divided sovereignty, it is not a question of the gravest delicacy and importance, and, at least, of doubt, whether the states, the original sovereignties, hold their reserved powers wholly subject to the judgment of the federal court."

Shortly afterwards an application for a writ of habeas corpus on behalf of a minor, alleged to have been enlisted in the United States army in violation of law, was addressed to the supreme court. Here Mr. Justice Paine delivered the prevailing opinion of the court, Chief Justice Dixon dissenting, to the effect that the court had jurisdiction to enquire into the legality of the petitioner's restraint of liberty. He discusses the decisions in the Booth case, both state and federal, and argues chiefly in favor of initiative jurisdiction, conceding the power of the supreme court of the United States to review a state court decision, involving a federal question, to be now settled upon authority. In *re Tarble*, 25 Wis., 390.

This well reasoned opinion goes far to convince us that the position of our supreme court in the Booth cases would have been far less indefensible if to the assertion of the right to enquire

into the jurisdiction of the United States District Court on habeas corpus it had not added the claim that its decision was final and beyond review by the supreme court of the United States, "which", as Mr. Justice Paine concedes, "was, in truth, contrary to the entire current of authority." 25 Wis., 407.

In *re Tarble* was taken to the supreme court of the United States and there reversed, that tribunal laying down the general principle that "whenever any conflict arises between the enactments of the two sovereignties, or in the enforcement of their asserted authorities, those of the national government have supremacy until the validity of the different enactments and authorities are determined by the tribunals of the United States;" and that a state judge has no authority to entertain a writ of habeas corpus "for the discharge of a prisoner held under the authority, or claim and color of authority, of the United States by an officer of that government;" that whenever it appears in such a proceeding, "that the party is held by an officer of the United States under the authority, or claim and color of authority of the United States," the state judge can proceed no further.

Chief Justice Chase dissented, holding fully to the view that a state court has the right to enquire into the jurisdiction of the federal court upon habeas corpus, and to discharge when satisfied that the petitioner for the writ is restrained of his liberty by the sentence of a court without jurisdiction; and that if error is committed in such discharge its remedy is found in the appeal allowed to the supreme court of the United States.

The decision, it is believed, has been unanimously accepted as finally settling the law upon the subject. It doubtless curtails the powers which have generally been exercised on writs of habeas corpus, but this curtailment is held to arise out of the peculiar relations between the state and federal governments and the necessity of a tribunal to determine the boundary line. A government is necessarily the judge of its own powers and the United States government, being supreme within its limits, must have power to determine those limits.

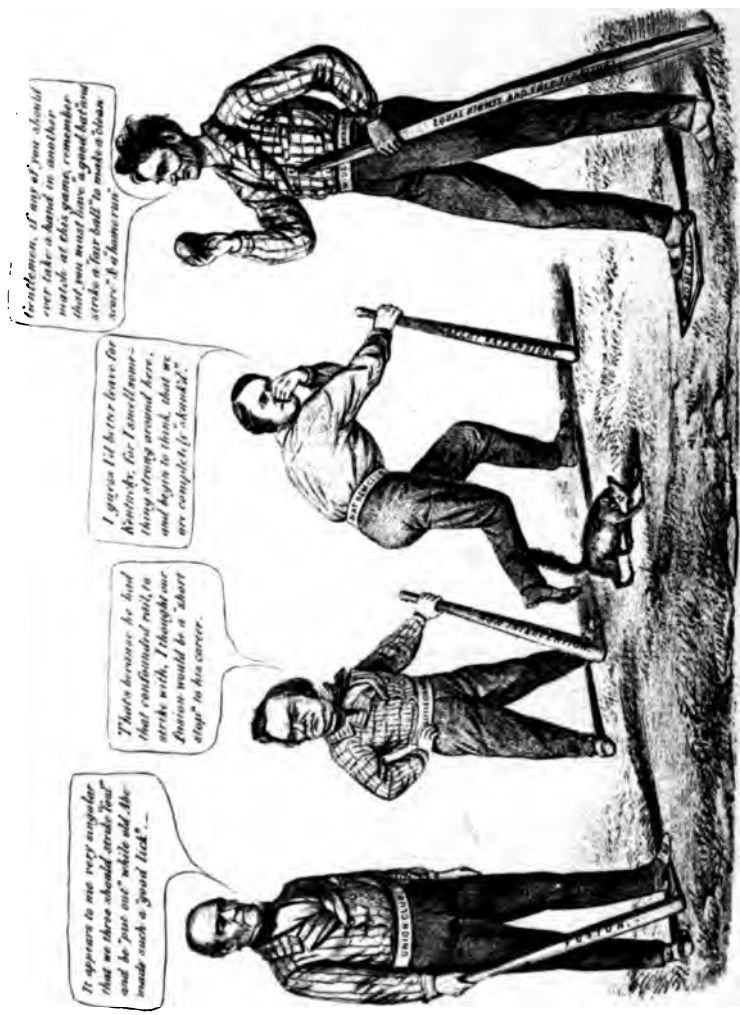
The state rights agitation over the fugitive slave did not confine itself to the court rooms of Wisconsin. How it invaded politics and dominated the action of parties, it is not within the scope

Captain Goodale was among the first who embarked in the common cause in 1775. He served that year as a lieutenant in the same regiment with me. I had long before known him to be a man of spirit, and his probity and attention to service soon gained him the character of a worthy officer. In 1776 he entered again as a lieutenant, but served with me the most of the year as an assistant engineer, and the public are much indebted to him for the dispatch and propriety with which several of the works about New York were executed.

In the dark month of November, 1776, Mr. Goodale entered service as a captain in the regiment under my command, and was in the field early in the next spring. But although he always discovered a thirst for enterprise, yet fortune never gave his genius fair play till August, 1777. It is well known into what a panic the country, and even the northern army were thrown on the taking of Ticonderoga. When General Gates took command in that quarter our army lay at Van Saik's (?) island. Mr. Burgoyne, with the British encompassed by his black wings and painted legions, lay at Saratoga. The woods were so infested with savages that for some time none of the scouts who were sent for the purpose of obtaining prisoners or intelligence of the enemy's situation succeeded in either. General Gates, vexed at continual disappointments, desired an officer to procure him a man that would undertake, at all hazards, to perform this service. Captain Goodale being spoken to, voluntarily undertook the business, under the following orders from General Gates:

"Sir: You are to choose out one sergeant and six private men and proceed with them to the enemy's camp, unless you lose your life or are captured, and not return until you obtain a full knowledge of their situation."

Captain Goodale, in the report of the scout, says "that it was not performed without great fatigue, as the party was much harassed by the Indians, which occasioned their being in the woods three days without provision." However, he succeeded beyond expectation. First throwing himself between their outguards and camp, he examined their situation very fully, and brought off six prisoners, with which he returned to General Gates without any loss whatever. This success induced General

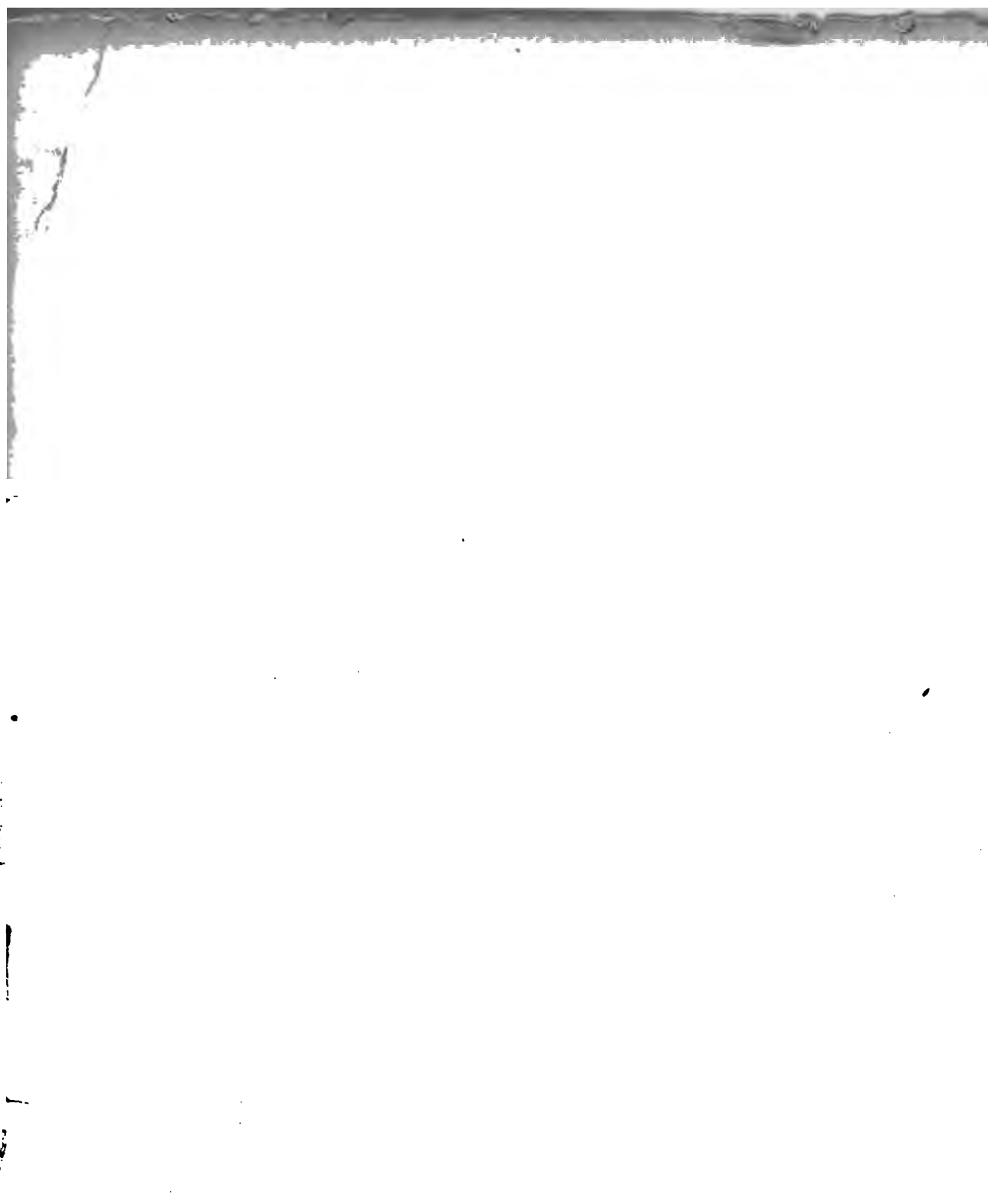


It appears to me very singular that we three should speak "just" and he "just out" while old Mc made such a "good lick".

That's because he had that confounded rail, to strike with, I thought our fusion would be a "short stop" to his career.

I guess I'd better leave the hitting, for I am all wrong— thing strong around here, and begin to think that we are completely "dashed".

Gentlemen, if any of you should ever take a hand in another match at this game, remember that you must have a "good looking" strike a fair ball to make a "clean" score. To humiliate



Gates to continue him in that kind of service. A full detail of all the intrigue, address and enterprise which he discovered during the remainder of that campaign would make my letter quite too long. It may be enough to observe that before the capture of the British army one hundred and twenty-one prisoners fell into his hands. But as Captain Goodale is no less brave and determined in the open field when opposed to regular troops, than he is artful as a partisan of the woods, I beg your patience while I recite one instance of this kind:

A day or two after Mr. Burgoyne retreated to Saratoga in a foggy morning, Nixon's brigade was ordered to cross the creek which separated the two armies. Captain Goodale, with forty volunteers, went over before the advance guard. He soon fell in with a British guard of about the same number. The ground was a clear plain, but the fog prevented their discovering each other till within a few yards, when both parties made ready at nearly the same time. Captain Goodale, in this position, reserving his fire, advanced immediately upon the enemy, who waited with a design to draw it from him, but he had the address to intimidate them in such a manner, by threatening immediate death to any one who should fire, that not more than two or three obeyed the orders of their own officer when he gave the word, and the event was that the officer and thirty-four of the enemy were made prisoners.

These, sir, are the services which Captain Goodale and his friends believe have merited more attention than has been paid to them, and at least merit a majority as much as Major Summer's unsuccessful command of a boat a few months on Lake Champlain. But if the tables were reversed, and the ill luck of a brave man should be the only recommendation to promotion, Captain Goodale, I believe, has as great pretensions as most men, for he is the unfortunate man who commanded about forty white men, and being surrounded by about the same number of Indians, fought more than a thousand of the enemy below Volunteers' Hill, in 1778, till near two-thirds were killed and himself and most of the rest made prisoners. I mention this only to show his bravery, for he takes no merit for that action. He always lamented the necessity he was under from the orders he

110 RUFUS PUTNAM TO GENERAL WASHINGTON

received to do what he did. In writing to me on the subject, he says: "At this time that a number of brave men were sacrificed to bad orders, is true, but as they were not my orders, I hope the candid do not censure me."

Having stated these facts, I beg leave to request your excellency will lay them before the honorable congress, and shall esteem myself exceeding happy if your excellency shall find so much merit in Captain Goodale's services as to engage your patronage for his promotion to a majority.

N. B.—Captain Goodale is now the third captain in the Massachusetts line.



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EARLY MASSACHUSETTS NEWSPAPERS

BY LYMAN HORACE WEEKS

WHEN the great movement of the American pioneers to the new world started in the early years of the seventeenth century, newspapers were just coming into existence in Europe. The printing of books had been in progress for something more than two centuries, and a little more than one hundred years previously there were certain news pamphlets, particularly in Germany, which, if not exactly newspapers, were at least news publications. The authenticated history of newspapers—that is of periodical prints of the news of the day—begins with the *Frankfurter Journal* of Frankfort-on-the-Main in 1615. The first real newspaper in England, and the third established in the world, was the *Weekly News*, the first issue of which was May 23, 1622. It was published by Nicholas Boone and Thomas Archer in London. Shortly afterwards this was followed by others and the next half century saw a considerable and constantly augmenting journalistic activity in England.

Among those who came to the Massachusetts Bay Colony between 1630 and 1650, were many well educated men, such as Winthrop, Hooker, Mather and others of that stamp. It has been said that among these early settlers were nearly one hundred who had been educated in the Universities of Cambridge and Oxford. Naturally they brought books with them, not great in number, but still sufficient to show the intellectual quality of the founders of the colony. John Harvard of this period, gave three hundred and twenty volumes as the foundation of the library of Harvard College, and Governor Winthrop added to this collection. But however familiar they may have been with books, the newspaper was unknown to them.

Very soon after they had succeeded in establishing themselves in their new home the colonists began to feel the need of

printing facilities of their own, not finding it convenient to depend indefinitely upon England for such books as they might need. In 1638 the Reverend Mr. Glover started from England with a printing press to be set up in Massachusetts and with him was an apprentice, Stephen Daye. Mr. Glover died on the voyage across the Atlantic, but Daye arrived safely in Massachusetts and soon set up in Cambridge the press that he brought with him. John Winthrop, in his "History of New England," Vol. I, page 348, under date of March, 1638-1639, wrote:

"A printing house was begun at Cambridge by one Daye, at the charge of Mr. Glover, who died on sea hitherward. The first thing which was printed was the freemen's oath; the next was an almanac made for New England by Mr. William Peirce, mariner; the next was the Psalms newly turned into metre."

The "Psalms" referred to above was the celebrated Bay Psalm Book. From that time on during the next half century several printers were busy in Boston and Cambridge. They published over three hundred separate works, books and pamphlets, most of them being of a religious character, almanacs, or the laws and official documents of the colony. A few volumes relating to the founding and the growth of the colony were also published. An edition of Bunyan's "Pilgrim's Progress" was printed in 1681.

For three-quarters of a century the colonists continued to be wholly without home newspapers. During that time journalism was gradually developing in Europe. Up to the beginning of the eighteenth century three newspapers had been started in London, two in Edinburgh, two in Paris and one each in Frankfurt, Antwerp, Stockholm and Worcester; but on this side of the Atlantic there was less demand for news publications of a local character. The fledgling communities were small, and it was not difficult for news to be disseminated from mouth to mouth, or by manuscript letters. Sending news by means of personal letters was of course early in vogue, as they had been in the old country and there continued until long after the newspaper had come into being. One of the earliest productions of this description was the letter which Governor Thomas Dudley sent from Massachusetts to the Countess of Lincoln, written, as

he said, "rudely; having yet no table nor other room to write in, than by the fireside in this sharp winter."

Letters from those in one settlement or town to relatives or friends in other settlements in different parts of New England were numerous and gave the colonists all the general information that they cared for in regard to what was going on. As the towns and cities grew in size, the need for something of a broader and more formal character than these purely personal communications began to be recognized. Copies of the London newspapers came from the old home and were sufficient to whet the appetites of the people for something of the same kind in their own communities. Written letters sometimes took on a more official character than before, another evidence of the growing desire for news information, among the people generally. Toward the latter part of the seventeenth century, John Campbell, who was then postmaster of Boston, was in the habit of sending written letters quite regularly to the governors of the several New England colonies, giving therein the news of what had happened in Boston, and the latest items that he was able to gather from the ship captains who had lately come into the port of Boston, and from other sources.

Occasionally, there was important news with which it was deemed desirable the people generally should become acquainted. Then broadsides were printed and distributed. Such for example was the broadside entitled "The Present State of the New-English Affairs of 1689," which contained the report of the Reverend Cotton Mather, concerning the result of his mission to London, whither he had gone in the interests of securing a new charter for the Massachusetts Bay Colony. Another broadside of similar purpose was that in which was republished Admiral Russell's letter to the Earl of Nottingham, describing the victory of the English and Dutch fleet over the French fleet in May, 1692.

These manuscript news-letters and broadsides were precursors of the newspaper, although they were in no sense real newspapers, lacking the essential element of periodicity and continuity. It was in September, 1690, that the first attempt was made to establish in America a newspaper,—that is a publi-

cation to be issued at regular intervals. This was *Public Occurrences*, which came out in Boston but lived only through a single number, being suppressed by the government of the colony. Interesting references to this publication appear in the diary of Chief Justice Samuel Sewall, volume I, page 332, as follows:

"September 25 (1690) A printed sheet entitled publick Occurrences came out, which gives much distaste because not Licensed, and because of the passage referring to the French King and the Maquas [Mohawks]. Oct. 1 Print of the Governor and Council comes out showing their disallowance of the Publick Occurrences. Oct. 2. Mr. [Cotton] Mather writes a very sharp letter about it."

Again Judge Sewall, in his "Letter Book," volume I, page 112, under date of September 25, 1690, refers to "the first sheet of Occurrences, which came out this day."

Subsequently, in 1703, the letters of John Campbell, before referred to, were written and distributed. In the following year Campbell had made up his mind that the time was ripe for the presentation in printed form of the news which heretofore he had endeavored to disseminate in his manuscript letters. In April, 1704, he began the publication of the *Boston News-Letter*, the first newspaper started in America that succeeded in maintaining a permanent existence, and the second newspaper to appear, holding that *Publick Occurrences* was intended as a periodical publication and would have been so continued had the authorities not suppressed it.

Concerning the *Boston News-Letter* Judge Sewall wrote, volume II, page 100.

"April 24, 1704. I went to Cambridge to see some books of the Revelation, and there met with Mr. Piquet. Went into Hall and heard Mr. Willard expound Rom. 4, 9, 10, 11 and pray. I gave Mr. Willard the first *News-Letter* that ever was carried over the River. I came home with Mr. Adams."

For nearly fifteen years the *Boston News-Letter* alone occupied the journalistic field in the Massachusetts colony. On December 21, 1719, William Booker, who was then postmaster of Boston, published the first issue of the *Boston Gazette*, which

was the next Massachusetts newspaper, and from that time on journalistic activity developed rapidly in the colony. The *New England Courant*, started in 1721, the *New England Weekly Journal* in 1727, the *Weekly Rehearsal* in 1731, the *Boston Post Boy* in 1734, the *Boston Evening Post* in 1735, the *Independent Advertiser* in 1748, the *Boston Chronicle* in 1767, the *Essex Gazette* of Salem in 1768, the *Massachusetts Spy* in 1770, the *Censor* in 1771, the *Essex Journal and Merrimac Packet* in 1773, the *New England Chronicle* in 1775, the *Continental Journal* in 1776, the *American Gazette* of Salem of 1776, the *Independent Ledger* in 1778, the *American Herald* in 1781 and the *Massachusetts Gazette* in 1782; these were the most important publications in Massachusetts during the first four decades of the century. Others flourished during the same period from 1704 to 1780, but for the most part they were of minor importance; some of them were simply variants of the leading newspapers which have just been referred to, under different titles.

The contents of these newspapers were of widely diversified character, although they were little like their successors of the present day. In the beginning, to a very considerable extent, their columns were filled with news reprinted from the London newspapers, as, for example, accounts of happenings in Europe, reports of parliamentary proceedings, addresses of the crown to parliament, and so on. In addition were many letters from correspondents discussing public affairs. Especially as the Revolution approached, the newspapers were largely made the vehicle of communication between the leaders of that day and the general public. There was some correspondence from other colonies and a little local news, although the attention that was given to local happenings was generally negligible. Also advertisements, news of port arrivals, importations, and so on, were printed,—small paragraphs and few of them.

Several accounts of the provincial Massachusetts newspapers have been written. The earliest was "A Narrative of the Newspapers Printed in New England," the authorship of which was ascribed to "A. Z.," who was the Reverend John Eliot. The narrative was printed in the "Massachusetts Historical Collections" for 1798 and 1799, volume V, page 208, and volume VI,

page 64. Isaiah Thomas, who was one of the noted printers of Massachusetts in the latter half of the eighteenth century, wrote and published a very extended account of these newspapers for his "History of Printing in America," published in Worcester in 1810. Much of the information that he gave was from personal knowledge and it has been really the basis of most that has been done in that line since his day. His account terminated with the beginning of the Revolutionary War. His work was reprinted by the American Antiquarian Society of Worcester in 1874.

"Specimens of Newspaper Literature" by Joseph T. Buckingham, contains in its first volume much interesting matter upon this subject, some of it manifestly taken from Isaiah Thomas, the other parts of it of original research. This work was published in Boston in 1850. Frederick Hudson's "Journalism of the United States from 1690 to 1872," published in New York in 1873 also contains some accounts of these newspapers, but it is for the most part second hand information. Hudson reprinted the single copy of *Public Occurrences* and his reprint is noticeable for the superservicable scrupulousness with which he expurgated certain matter in that periodical which he seemed to think might be offensive to the reader, even though he sacrificed historical accuracy thereby. In "The Memorial History of Boston," published in 1881, the article on "The Press and Literature of the Provincial Period" by Delano A. Goddard, "Pulpit, Press and Literature of the Revolution," by the same writer, and "The Press and Literature of the Last One Hundred Years" by Charles A. Cummings, give additional information upon this subject. In the tenth Census of the United States, published in Washington in 1884, was the "Newspaper and Periodical Press of the United States" by S. N. D. North.

Of later date, 1895, has come the admirable work of William Nelson, of Paterson, New Jersey, entitled "Archives of the State of New Jersey; first series, volume 12. Some account of the American Newspapers, Particularly of the Eighteenth Century, and Libraries in which they may be found. Part II—Massachusetts." This account reviewing as it does the old newspapers of all the colonies, is the latest and remains as yet

the most complete historical compilation of its kind that has been made. It treats exhaustively of the early Massachusetts newspapers, reprinting the headlines and reproducing some of them in fac-simile. More recent than the work of Mr. Nelson is that which has been brought out in the "Publications of the Colonial Society of Massachusetts," being volume IX, 1907, of those publications. This is entitled "Check List of Boston Newspapers, 1704-1780" by Mary Farwell Ayer with Bibliographical Notes by Albert Matthews. As its name indicates, this is a check list, showing in what principal libraries of the United States the issues of the provincial newspapers, so far as they are known to be in existence are preserved. It is a work of incalculable value and indispensable to every student of the eighteenth century journalism of Massachusetts. The Bibliographical Notes by Mr. Matthews, constitute by far the most interesting and most valuable and most scholarly historical account of the newspapers including in the period covered that has yet been printed. It has left little to be done by any future historian or compiler, except the actual reprinting of the contents of these papers.

This reprinting has now been undertaken at the suggestion and with the endorsement of members of the New England Historic Genealogical Society, of the Massachusetts Historical Society, and of other historical organizations.¹ The work as now entered upon, provides for the compilation and publication of a digest of all items of personal reference and of historic events and documents printed in these newspapers of the Provincial Period, and it has the approbation of librarians, scholars and others interested in the preservation of all that pertains to the domestic affairs and public doings of the American founders.

1. "An Historical Digest of the Provincial Press, Being a Collation of All Items of Personal and Historic Reference Printed in the Newspapers of the Provincial Period from the Appearance of 'The Present State of the New-English Affairs,' 1689, 'Publick Occurrences,' 1690, and the First Issue of 'The Boston News-Letter,' 1704, ending with the Close of the Revolution, 1783." Illustrated. Massachusetts Series, Volume One. Compiled and Edited under the Direction of Lyman Horace Weeks, Author of "Prominent Families of New York," "Book of Bruce," etc., and Edwin M. Bacon, Author of "Historic Pilgrimages in New England," "The Connecticut River and the Valley of the Connecticut," etc. This work has been copyrighted by Lyman Horace Weeks and all rights are reserved. It will be published by the Society Americana, Boston, where all inquiries to the editors or publishers should be addressed.

Quoting from the prospectus of this work:

"The importance of such a compilation is indisputable, and in the experience of investigators is constantly emphasized by the inadequacy and inaccessibility of the information relating to this formative period in American history. Many of the old town and church records previous to the beginning of the nineteenth century have disappeared. That valuable documents and papers were carried away from Boston at the time of the Evacuation is well known. Not even the town records of Boston, and of other cities and towns,—the minutes of the town meetings, of the selectmen, and of other proceedings,—or the records of probate courts and of the registers of deeds, are complete; and in Boston and elsewhere many vital statistics are lacking. In numerous instances no records were kept; in many others the records have been lost or destroyed. The publication of the ancient town records and other documents by the city registrar of Boston, and the Massachusetts Vital Records by the New England Historic Genealogical Society particularly disclose this condition.

"By students of our colonial period it is recognized that the early newspapers preserved a great amount of material, nowhere else to be found, in reports of local events, in official documents and other papers, and in personal items relating to the daily lives of the people and to the activities of the communities then developing. Such information is incontestably valuable to the historian, the genealogist, the student, the lawyer, the judge, the conveyancer, and others, both from the literary and the practical view, serving to illuminate much that otherwise would remain obscure, and furnishing vital data concerning both public and private affairs of that period. Also in the special field of literature much is discoverable in the columns of these old newspapers and magazines that is of peculiar interest and value to the investigator into literary usages, the origin of words, terms and phrases which have worked their way into the common language.

"While all this information thus to be collected and preserved will supplement other records and meet deficiencies existing in them, it will particularly include an abundance of matter that is of distinctive character and has not heretofore been collected, bearing upon such subjects as—port statistics, events local and colonial, importations, business pursuits and ventures, passenger arrivals and departures, residences, real-estate transactions, wills, court and administrative affairs, public proceedings, and so on,

“The various items comprised in the Digest will be arranged in chronological order under the names of the newspapers from which they are taken, with dates of issue and abbreviated reference to the libraries in which the different issues are now preserved. All the personal items, reports of events, and historical documents that have never been reprinted and that constitute the bulk of the data to be drawn upon, will be reproduced entire or in copious abstracts. Such documents and historical papers as may have been already reprinted in collections of historical and antiquarian societies or in standard works of history will not always be reproduced in full, but will be briefly abstracted and reference made to those works wherein they can be readily consulted. In its entirety ‘An Historical Digest’ will be a complete abstract, or an index, to all that was printed in the Provincial newspapers of the period included in review. It is intended that the work shall largely obviate the necessity of consulting the originals save, perhaps, in exceptional instances by scholars, and place all this material, now widely separated, once for all in compact form, wholly available for the widest private and public use.”

It has been calculated that the total number of issues of the newspapers to be included in this compilation were about 14,000. Some 12,500 copies are known to be in existence at the present time. Most of these are preserved in the library of the American Antiquarian Society of Worcester, Massachusetts, the Boston Atheneum Library, the Boston Public Library, or the library of the Massachusetts Historical Society in Boston. The New York Historical Society has in one bound volume nearly a complete file of the *Boston News-Letter* from 1704 to 1708 inclusive, several numbers however being missing. This was presented to the society by George Bruce, the famous type-founder and a member of the Society.

But many of the copies of these early periodicals that have been preserved are scattered in libraries in different parts of the country. No single library has a complete set of any one of them. To consult all existing numbers the investigator must have recourse to several libraries in widely separated cities, such as Boston, Worcester, New York, Philadelphia, Washington, Madison, Wisconsin, and elsewhere. In some instances the only copies preserved are in private or proprietary libraries not generally open to the public. Thus these valuable periodi-

cals are not alone difficult of consultation, but in many instances they are practically inaccessible. Moreover, many of them are in a frail and perishable condition. It has been such serious considerations that have led to the undertaking of the task of collating and preserving the contents of these ancient periodicals.

Following herewith are reprinted pages from this work, including several of John Campbell's manuscript news letters, the solitary issue of *Public Occurrences* and the American items of several issues of the *Boston News-Letter*. It will be observed that this collation reproduces with textual accuracy the originals, preserving all the vagaries of spelling, punctuation, abbreviation and so on. This is a feature that must especially appeal to every reader interested in the subject.

JOHN CAMPBELL'S NEWS LETTERS*

Boston, April 12th. 1703.

Last Week arrived a Vessell from ffyall and tells that about nine week's from this time Two Vessells arrived from Scotland and one from Corke in Ireland, that gave an Accot^t that the union between England and Scotland was concluded upon and said master from ffyall sayes he see it in publick prints.

Cap^t Smith In the Gospert ffrigett from Jamacia arrived here also Last Week, and by him are Informed of the union being Concluded upon, he came from Jamaica about midle or tenth of March.

*During the year of 1703 John Campbell, who was then Postmaster of Boston and subsequently established the Boston News-Letter, sent to the Governors of the several New England colonies manuscript letters in which he gave the latest news received by him from abroad, local items of Boston and reports received from other American colonies. Twelve of these letters are now preserved in the library of the Massachusetts Historical Society. Nine were printed in the Proceedings of the Massachusetts Historical Society, in March 1867, volume 9, pages 485-501. Other manuscript news-letters of this period were printed in the Proceedings of the Massachusetts Historical Society, for February 1873, Vol. 12, pp. 419-427. One of these is dated at Cambridge, April 4, 1666 and others bear dates as follows: Boston, April 11, 1666; Philadelphia, June 5, 1669; Boston, June 19, 1699; New York, April 29, 1709; Boston, May 6, 1700; Boston, May 28, 1700; Boston, June 14, 1703 and Boston, October 4, 1783. Several of these are addressed to Governor

THE
AMERICAN MAGAZINE
AND
HISTORICAL CHRONICLE.

MDCCXLIII. MDCCXLIV.



Jucunda Varietas.

B O S T O N

Printed by ROGERS and FOWLE, and Sold by S. ELLIOT, and J. BLANCHARD
in Boston; B. FRANKLIN in Philadelphia; J. PARKER in New-York; J.
POMROY in New-Haven; C. CAMPBELL, Post-Master in Newport, 1744.
Where may be had compleat SETTS from the Beginning,
Price THREE SHILLINGS New Tenor a Quarter.

TITLE PAGE OF THE FIRST VOLUME OF THE AMERICAN MAGAZINE,
BEGUN IN 1743

FROM A RARE COPY IN THE PRINCE LIBRARY IN THE BOSTON PUBLIC LIBRARY

Wee do apprehend that the union is only agreed upon by the Commissioners, which if true will be a great step Towards both parliam^{ts}. Concluding it, being the Commissioners are some of the greatest men of both nations.

They Talk from Jamaica of the Spainards sueing for a peace, That about 20 Grandees were come to Portugale, to get the King of Portugale to Interceed with her Maj^{ty} of England to appoint Plenipotentiary to mediat. Cap^t. Lawrence is arrived at Rhoad Island & a Bermudus Sloop, both Privateers, who In Comp^a. with Cap^t. Blue an other privateer, took a Spanish Ship of 8 guns, Loaden with Canary and Brandy, and other goods, bound for the Havanna, who had on board 12 families consisting of above 130 Soules. The Prisoners they put on shoare in N. Spain, all to about 7. The Three Consorts put 17 men an a Quarter master on board, Cap^t. Blue attended her with his sloop or vessell. The Prize is not yet arrived.—The Prize said to Come from Spain, and touched at the Canary's.

Cap^t. Southack with our Western fleet arrived yesterday.

Cap^t. Delbridge will sayle for London In 20 days, Ten guns; & Cap^t. Dows, lyke guns, In a moneth.

BOSTON Aprill 27th. 1703.

On the 20th Instant arrived a sloop from Antegua in 25 Dayes; one Loyd M^r. brings an acco^t. that Coll^o. Coddington with 3000 Islanders and about 2000 English souldiers Landed in Guardelupia, had Taken the Island all but the fort, having Lost about 200 men by an Ambusscado of Negros; when this Sloop came away the Bloody flagg was hung up, and our men had gott 5 p^s. of Ordinance playing upon it, and Every shott did Execution, and they were a going to have 15 p^s more to bear upon it, and the fourt could bear but 5 upon us, and was thought wee should Carry it in a day or Two at farthest. The Earle of Peterborough was daylie Exspected with a Squadron of

John Winthrop of Connecticut. That dated Boston May 28, 1700 is signed by Duncan Campbell and that of October 4, 1703 is endorsed as from John Campbell. John Campbell was of Scotch ancestry. He was in Boston in 1695 and died March 4, 1728. He was President of the Scots Charitable Society, 1727-28. In the Boston News-Letter of March 7, 1728, was this paragraph: "On Monday evening last, the 4th Currant, about 8 a Clock died here John Campbell, Esq., Aged 75 years, formerly Post Master in this Place, Publisher of the Boston News Letters for many years, and One of his Majesties Justices of the Peace for the County of Suffolk.

men of Warr and Land forces, in order to joyne the Island^{rs} to attaque Martinico.

The Packett boat from Lisbone came in here brings news that a Dutch man of warr hath taken a french man of warr of 50 guns.

ffryday the 23^d Instant, being tthe Queen's Coronation Day, His Excy Coll^o Dudley being attended by the Troop of Gaurds, came from Roxbury between 12 & one a Clocke, when all y^e guns were Discharged from the Castle Battery's, the man of warr, Gally, and ship in the Road, and after having Dined with the honoble Coll^o Povey our Liv^t Governour, with severall Gentlemen, came to the Town house and Drunk her Maje^{ty} health, &c.

On Satturday the 24th. Arrived one Kimball from ffyall tells us still of y^e Union being Concluded between England and Scotland and that the Portuguese have declaired warr against France and Spain.

The Prize at Rhoad Island is said to have on board 100 Pipes of Canary, 150 Pipes of Malmsy, 30 Caske of Brandy, some Almonds and Razons, what money, Plate or Silks they had was shared before any Condemnation.

Philadelphia, Aprill 13th. They writt that on Satturday Last Arrived a Gentleman from Maryland, brings the following news, That 40 Sayle of West Countrey men were arrived in Maryland and Virginia about 7 Weeks Passage, two men of warr Conveyed them from Corke In Ireland. That the Portuguise had Declaired warr ag^t France and Spain. That the Prince of y^e Empire were marching 20000 men ag^t the D. of Bavaria.

That the London fleett for Virginia is not to sail till Latter end of June, under Convey of 4 men of Warr, and a fire ship.

The Galloon proved not so Rich in plate as was Exspected, but very Rich in other valuable goods, as Cocheneal, &c. one was not brock up supposed to be very rich.

N. Yorke 19th. Instant; arrived a sloop in 12 Dayes from Burmudus, that Go^r writts My Lord Cornbury, that the Earle of Petterborough was arrived at Antegua.

Cap^t Simmons will sail in 10 or 12 Dayes for London; that they have news of y^e union between the two Kingdomes from Philadelphia, by vessells to Maryland.

Boston; Cap^t. Delbrige will sail within 3 weeks for London, Cap^t. Dowse in about a month. Cap^{ts}. Gillam, Coram & Robertson about 2 months.

BOSTON May the 3^d 1703

Cap^t. Alden from Lisbon in 33 days arrived the 28. brings the following news in Gazet's, votes of Parliam^t, the Postman, and News Letters, viz^t.

LOND^o. NOV^r. 26: Letters from Holland say that 3 Regiments were ready to Embarke for the West Indies on board 12 men of warr. Letters from Lisbon say that the treaty of Allience between the Allies and the K. of Portugale is Concluded.

LOND^o. Jan'y 14. The E. of Petterborough will sail for Jamaica In a few Dayes.

Numb. 1.

New-England News

462.

PUBLICK

OCCURRENCES

Both FOREIGN and DOMESTICK.*

Boston, Thursday, Sept. 25th, 1690.

It is designed that the Countrey shall be furnished once a moneth (or if any Glut of Occurrences happen oftener) with an Account of such considerable things as have arrived unto our Notice.

In order here unto, the Publisher will take what pains he can to obtain a Faithful Relation of all such things; and will particularly make himself beholden to such Persons in Boston whom he knows to have been for their own use the diligent Observers of such matters.

That which is herein proposed, is First, That Memorable Accu-

*Until the discovery of "The Present State of the New-English Affairs," this sheet was regarded as the first news publication printed in the Western Hemisphere. It is a small quarto printed on three sides of a folded sheet, two columns to the page. The paper page is 7¼ by 11½ inches and the type page 5¾ by 10¾ inches. So far as is known, only one copy is now in existence and that is preserved in the Public Record Office in London. There it was discovered by the Reverend J. B. Felt, who refers to it in his "Annals of Salem," second edition, 1849, volume 2, page 14. It is also referred to by Chief Justice Samuel Sewall

rents of Divine Providence may not be neglected or forgotten, as they too often are. Secondly, that people everywhere may better understand the Circumstances of Publique Affairs, both abroad and at home, which may not only direct their Thoughts at all times, but at some times also to assist their Business and Negotiations.

Thirdly, That some thing may be done towards the Curing, or at least the Charming of that Spirit of Lying, which prevails among us, wherefore nothing shall be entered, but what we have reason to believe is true repairing to the best fountains for our Information. And when there appears any material mistake in any thing that is collected, it shall be corrected in the next.

Moreover, the Publisher of these Occurrences is willing to engage, that whereas, there are many False Reports, maliciously made, and spread among us, if any well minded person will be at the pains to trace any such false Report, so far as to find out and Convict the First Raiser of it, he will in this Paper (unless just Advice be given to the contrary) expose the Name of such person, as A malicious Raiser of a false Report. It is supposed that none will dislike this Proposal, but such as intend to be guilty of so villanous a Crime.

The Christianized *Indians* in some parts of *Plimouth*, have newly appointed a day of Thanksgiving to God for his Mercy in supplying their extream and pinching Necessities under their late want of Corn, & for His giving them now a prospect of a very *Comfortable Harvest*. Their Example may be worth Mentioning.

Tis observed by the Husbandmen, that altho' the With-draw of so great a strength from them, as what is in the Forces lately gone for

in his Diary, volume 1, page 332, where he says that the reason for its immediate suppression by the authorities was "because of the passage referring to the French King and the Maquas [Mohawks]." It was copied by Samuel Abbott Green of the Massachusetts Historical Society in 1856, and reprinted by him in *The Historical Magazine*, Boston, August 1857, volume 1, pages 228-231. It has been reprinted several times, notably in Frederick Hudson's "History of Journalism," pages 44-48. A fac-simile reproduction is in Samuel Abbott Green's "Ten Fac-Simile Reproductions Relating to Old Boston and Neighborhood," Boston, 1901. The original bears the imprint "Printed by Richard Pierce for Benjamin Harris." The publishers evidently intended to continue this as a regular news publication, and for this reason it is fair to consider it as the first attempt to start a newspaper in the American Colonies; but it immediately fell under the ban of the authorities and was suppressed. Following is the order of suppression, a copy of which is preserved in the library of the Massachusetts Historical Society:

Canada, made them think it almost impossible for them to get well through the Affairs of their Husbandry at this time of the year, yet the Season has been so unusually favourable that they scarce find any want of the many hundred of hands, that are gone from them; which is looked upon as a Merciful Providence.

While the barbarous *Indians* were lurking about *Chelmsford*, there were missing about the beginning of this month a couple of Children belonging to a man of that Town, one of them aged about eleven, the other aged about nine years, both of them supposed to be fallen into the hands of the *Indians*.

A very *Tragical Accident* happened at *Water-Town* the beginning of this Month, an *Old man*, that was of somewhat a Silent and Morose Temper, but one that had long Enjoyed the reputation of a *Sober* and a *Pious Man*, having newly buried his Wife, The Devil took advantage of the Melancholy which he thereupon fell into, his wives discretion and industry had long been the support of his Family, and he seemed hurried with an impertinent fear that he should now come to want before he dyed, though he had very careful friends to look after him who kept a strict eye upon him, lest he should do him-

BY THE

GOVERNOUR & COUNCIL

WHEREAS some have lately presumed to Print and Disperse a Pamphlet, Entituled Publick Occurrences, both Forreign and Domestick: Boston, Thursday, *Septemb. 25th 1690. Without the least Privity or Countenance of Authority.*

The Governour and Council having had the perusal of the said Pamphlet, and finding that therein is contained Reflections of a very high nature: As also sundry doubtful and uncertain Reports, do, hereby manifest and declare their high Resentment and Disallowance of said Pamphlet, and Order that the same be Suppressed and called in; strickly forbidding any person or persons for the future to set forth any thing in Print without License first obtained from those that are or shall be appointed by the Government to grant the same.

By order of the Governour & Council

Isaac Addington, Secr.

Boston, September 29th. 1690.

Benjamin Harris, for whom this paper was printed, was a London bookseller, who came to Boston before 1690 and had a shop in or near Cornhill. He returned to London in 1694 and resumed business there. While in Boston he was printer to the Governor and Council.

self any harm. But one evening escaping from them into the Cow-house, they there quickly followed him, found him *hanging by a Rope*, which they had used to tye their *Calves* withal, he was dead with his feet near touching the Ground.

Epidemical *Fevers* and *Agues* grow very common, in some parts of the Country, whereof, tho' many dye not, yet they are sorely unfitted for their employments; but in some parts a more *malignant Fever* seems to prevail in such sort that it usually goes thro' a Family where it comes, and proves mortal unto many.

The *Small pox* which has been raging in *Boston*, after a manner very Extraordinary, is now very much abated. It is thought that far more have been sick of it than were visited with it, when it raged so much twelve years ago, nevertheless it has not been so Mortal. The number of them that have dyed in *Boston* by this last Visitation is about *three hundred and twenty*, which is not perhaps half so many as fell by the former. The time of its being most *General*, was in the Months *June, July* and *August*, then 'twas that sometimes in some one Congregation on a Lord-day there would be Bills desiring prayers for above an *hundred sick*. It seized upon all sorts of people that came in the way of it, it infected even *children in the bellies of Mothers that had themselves undergone the Disease many years ago*; for some such were now born full of the Distemper. 'Tis not easy to relate the Trouble and Sorrow that poor *Boston* has felt by this *Epidemical Contagion*. But we hope it will be pretty nigh Extinguished, by that time twelvemonth when it first began to Spread. It now unhappily spreads in severall other places, among which our *Garrisons* in the *East* are to be reckoned some of the Sufferers.

Altho' *Boston* did a few weeks ago, meet with a Disaster by *Fire*, which consumed about *twenty Houses* near the *Mill-Creek*, yet about midnight, between the sixteenth and seventeenth of this Instant, *another Fire* broke forth near the *South-Meeting-House*, which consumed about five or six houses, and had almost carried the Meeting-house itself, one of the fairest Edifices in the Country, if God had not remarkably assisted the Endeavors of the People to put out the Fire. There were two more considerable Circumstances in the Calamities of this Fire, one was that a young man belonging to the House where the Fire began, unhappily perished in the Flames; it seems that tho' he might sooner awake than some others who did escape, yet he some way lost those Wits that should have taught him to help himself. Another was that the best furnished PRINTING

PRESS, of those few that we know of in *America* was lost; a loss not presently to be repaired.

There lately arrived at *Piscataqua*, one *Papoon* from *Penobscot*, in a small Shallop, wherein he had used to attend upon the pleasure of *Casteen*, but took his opportunity to run away, and reports: That a Vessel of small Bulk bound from *Bristol* to *Virginia*, having been so long at Sea, till they were prest with want, put in at *Penobscot* instead of *Piscataqua*, where the *Indians* and *French* seized her, and Butchered the Master, and several of the men; but that himself who belonged unto the Ships Crew, being a *Jersey*-man, was more favourably used and found at length an advantage to make his Escape.

The chief discourse of this month has been about the affairs of the Western Expedition against *Canada*. The *Albanians*, *New Yorkers* and the *five Nations* of *Indians*, in the *West*, had long been pressing of the *Massachusetts* to make an Expedition by Sea into *Canada*, and still made us believe, that they stayed for us, and that while we assaulted *Quebeck*, they would pass the *Lake*, and by Land make a Descent upon Mount *Real*. Accordingly this Colony with some assistance from our kind Neighbours of *Plimouth*; fitted an Army of near *five and twenty hundred men*, and a Navy of two and thirty Sail: which went from hence the beginning of the last *August* under the Command of the Honourable Sir *William Phips*.

In the mean time the *English* Colonies and Provinces in the *West* raised Forces, the Numbers whereof have been reported five or six hundred. The Honourable General *Winthrop* was in the Head of these, and advanced within a few miles of the *Lake*; He there had some good number of *Maquas* to joyn his Forces, but contrary to his Expectation, it was found that the Canoo's to have been ready for the transportation of the Army over the *Lake*, were not prepared, and the other Nations of *Indians*, that should have come to this *Campaign*, sent their Excuses, pretending that the Small-pox was among them, and some other Trifles. The General Meeting with such vexing disappointment called a Council of War, wherein 'twas agreed, That it was impossible for them to prosecute their Intended Expedition. However he despatched away the *Maqua's* to the *French Territories*, who returned with some Success, having slain several of the *French*, and brought home several Prisoners, whom they used in a manner too barbarous for any *English* to approve. The General coming back to *Albany*, there happened a misunderstanding between him and the Lieutenant Governour of *New York* which occasioned much discourse,

but produced not those effects which were feared of it. Where lay the bottom of these miscarriages is variously conjectured, if any people further West than *Albany*, have been tampering with the Indians, to desert the business of *Canada*, we hope time will discover it. And if Almighty God will have *Canada* to be subdued without the assistance of those miserable Salvages, in whom we have too much confided, we shall be glad, that there will be no Sacrifice offered up to the Devil, upon this occasion; God alone will have all the glory.

'Tis possible we have not so exactly related the Circumstances of this business, but the Account, is as near exactness, as any that could be had, in the midst of many various reports about it.

Another late matter of discourse, has been an unaccountable destruction befalling a body of *Indians*, that were our Enemies. This body of *French Indians* had a Fort somewhere far up the River, and a party of *Maqua's* returning from the *East Country*, where they have at a great rate pursued and terrified those *Indians* which have been invading of our *North East Plantations* and Killed their General *Hope Hood* among the rest; resolved to visit this Fort; but they found the Fort ruined, the Canoo's cut to pieces, and the people all either Butchered or Captured. This gave them no little surprise and they gave the *English* this account of it. That a body of *Maqua's* lately returning from the spoil of *Canada* brought several *French Prisoners* with them; That calling at this Fort in their way, the *Indians* there seeing themselves unable to resist them did pass divers Complements with them and partake of their Booties. That a *French* Captive after this, escaping from the *Maqua's* informed the *French* that these *Indians* had revolted unto the *Maqua's*, and hereupon the *French* or their *Indians* made a sudden Sally forth upon them, and utterly destroyed them, tho' they were in reality of their own party still.

Two *English Captives* escaped from the hands of *Indians* and *French* at *Pascadamoquady*, came into *Portsmouth* on the sixteenth Instant & say, That when Capt. *Mason* was at *Port Real*, he cut the faces, and ript the bellies of two *Indians*, and threw a third Over board in the sight of the *French*, who informing the other *Indians* of it, they have in revenge barbarously Butcher'd forty Captives of ours that were in their hands.

These two captives escaped in a Shallop, which our Enemies intended to have set out with all the Circumstances of a Fishing Shallop but to have indeed filled with *Indians* that should have Clap't on board any *English* Vessel that came in their way; They say that about

three or four weeks ago, some *Indians* were coming this way to War, but crossing a path which they supposed to be of the *Maqua's*, they followed it untill they discovered a place where some Canoo's were making, whereupon twenty *Kennebeck Indian-Warriors* went to look further after the business, who never yet returned, Which gives hope that they may have come short home but upon this the *Squaws* are sent to *Penobscot*, and the men stand on their Defence.

Portsmouth, Sept. 20th. Two days since arrived here a small Vessel from *Barbadoes*, in which is a Letter to Captain *H. K.* of 19th *August* that speaks thus,

Christophers is wholly taken from the *French* as also a small island called *Stacia*: we are very strong in Shipping, and our Ships of War are now gone for *Tobago*, a very good place to shelter from any Storms, after the suspicious months are over, they will Attack the rest of the *French* places.

From *Plimouth* Sept 22, We have an Account that on *Friday* the 12th Instant, in the night, our Forces Landing privately, forthwith surrounded *Pegypscot* Fort; but finding no *Indians* there, they March'd to *Amonoscoggin*. There on the Lords-day, they kill'd and took 15 or 16 of the Enemy, and recovered five *English* Captives, mostly belonging to *Oyster River*; who advised, that the men had been gone about ten days down to a River, to meet with the *French*, and the *French Indians*; where they expected to make up a Body of 300 men, and design first against *Wells* or *Piscataqua*.

On *Tuesday*, the Army came to our Vessels at *Macquoit*, but one of the Vessels touching a Ground stopt a Tide; by which means young Bracket, who was a considerable distance up the River, above *Amonoscoggin* Fort, being advised by an Indian that ran away from *Amonoscoggin*, that an *English* Army was there attempted his Escape, and came down to the Sloop just as they came on their Sail.

On *Thursday*, they landed at *Saco*; a Scout of 60 men of ours discover a party of the Enemy, and had the Advantage of killing three of them, and of taking nine *Canoo's*, and an *English* captive named, *Thomas Baker*, who informed, that the Enemy had left a considerable Plunder at *Pegypscot-Plains*, which he supposed the *Enemy* was gone to secure. Whereupon, the Army immediately embark'd, and arriving there that night, the next morning found the Bever Plunder accordingly.

While our Vessels where at Anchor in *Cascoe Bay*, our Auxiliary *Indians* lodging on shore, and being too careless in their Watch, the Enemy made an Attaque upon them. The *English* forthwith repair'd

to their Relief; but were sorely galled by an Embuscado of Indians. The Enemy soon quitted the field escaping with their *Canoo's* whereof ours took several. In the Surprise, we loss 9 men, and had about 20 wounded; the blow chiefly fell on our dear *Friends*, the *Plimouth Forces*, 15 being killed and wounded of Captain *Southworth's* Company.

THE BOSTON NEWS-LETTER*

From Monday April 17. to Monday April 24. 1704.

AS—MH—HU—LL—NY

Boston, April 18 Arrived Capt. *Sill* from *Jamaica* about 4 Weeks Passage, says they continue there very Sickly.

Mr. *Nathaniel Oliver*⁽¹⁾ a principal Merchant of this place died *April 15* & was decently inter'd *April, 18. Ætatis 53.*

The Honourable Col. *Nathaniel Byfield*⁽²⁾ Esq. is Commissioned

*The Boston News-Letter was the first successful attempt to establish a regular newspaper in America, its only predecessor being the short-lived Public Occurrences of one number. With its publication began the real history of American journalism. The first number which covered the week from Monday, April 17 to Monday, April 24, 1704 is a half sheet folio printed on both sides. It contains an extract from the London Flying Post respecting the Pretender, who called himself King James VIII of Scotland sending Popish missionaries from France to Scotland; the Queen's speech to Parliament; a few items and the advertisement of the publisher, James Campbell. This newspaper has several times been reprinted from type in imitation of the original. A fac-simile reproduction is in "Ten Fac-Simile Reproductions Relating to Various Subjects" by Samuel Abbott Green, Boston, 1903.

The News-Letter was printed by Bartholomew Green at his printing office in Newbury street (Washington street, east side, near Avon street). "At this place began and ended the printing of the Boston News-Letter," wrote Isaiah Thomas in his "History of Printing." Bartholomew Green was born October 12, 1666, and died December 28,

(1) Nathaniel Oliver, (1652-1704), son of Peter and Sarah (Newdigate) Oliver, married Elizabeth Brattle, daughter of Captain Thomas Brattle. Peter Oliver (1618-1670), merchant of Boston, was member of the Committee of Safety after the overthrow of Governor Andros; an early member of the Brattle Street Church.

(2) Nathaniel Byfield, born in England, 1653, son of Rev. Richard Byfield; a founder of Bristol, R. I.; died June 6, 1733; buried in the Old Granary burying ground, Boston.

(3) Thomas Newton, lawyer; secretary of the province, controller of customs at Boston, and attorney-general; the prosecuting attorney in the witchcraft trials at Salem in 1692.



Judge of the Admiralty for the Provinces of *Massachusetts-Bay*, *New-Hampshire* and *Rhode-Island*. And *Thomas Newton Esq.*⁽¹⁾ Judge-Deputy for the Colony of *Massachusetts-Bay*.

The 20. the Rd. Mr. *Pemberton*⁽¹⁾ Preach'd an Excellent Sermon on 1 *Thes.* 4, 11. *And do your own business*: Exhorting all Ranks & Degrees of Persons to do their own work, in order to a REFORMATION: which His Excellency has ordered to be Printed.

The 21. His Excellency Dissolved the Gen. Assembly.

Rhode-Island 22. The Rd. Mr. *Lockyer* dyed on Thurs. last

Capt. *Toungrello* has taken Five Prizes off of *Curraso*, one of which is come in to *Rhode-Island* mostly Loaden with *Cocco*, *Tobacco*, *Liquors*, &c. She is a *Curraso* Trader, as all the rest were. One of the Five was one *Larew* a *French-man*, a Sloop of 8 guns & 8 Patteraro's 76 Men, Fought him Board and Board three Glasses; Captain *Larew* was kill'd, and 20 of his Men kill'd & wounded: Capt. *Toungrello* wounded thro' the Body; and five of his men, but none kill'd, he had but 40 Fighting Men, when he took *Larew*.

The 18 Currant, came in a Sloop to this Port from *Virginia*, the Master informed Governour *Cranston Esq.* he was Chased by a Topsail Shallop off of *Block-Island*, which he judged to be a *French* Privateer, and that there was two other Vessels in her Company, which he judged to be her Prizes. Whereupon his Honour being concerning the Publick Weal and Safety of Her Majesties good Subjects, immediately caused the Drum to beat for voluntiers, under the Command of Capt. *W'anton*, and in 3 or four hours time, Fitted and Man'd a Brigantine, with 70 brisk young men well Arm'd, who Sail'd the following Night, returned last Evening, and gave his

1732, son of Samuel Green of Cambridge who was a son of Bartholomew Green of Cambridge who arrived in 1633 and died in 1635. Samuel Green, born in England, came to Massachusetts in 1632 or 1633 and died January 1, 1702; for fifty years a printer; with Marmaduke Johnson printed the Bible. Bartholomew Green was a printer of books and for forty years was printer to the Governor and Council. He was a member of the Old South church. A notice of his death was printed in the News-Letter, January 4, 1733.

(1) Ebenezer Pemberton, (1672-February 1717), son of James Pemberton who came from Wales in 1646 and was of Newbury and Boston, was a freeman of Boston in 1648 and one of the founders of the Old South or Third church; Harvard 1691; ordained minister of the Old South church, August 28, 1700; account of last sickness and death in Judge Sewall's Diary.

Honour an Account, that they found the aforesaid Shallop, with one other, and a Ketch at *Tarpolian* Cove, who were all Fishing Vessels belonging to *Marblehead* or *Salem*, who were Fishing off of *Block-Island*, one of them was a *French* built Shallop with a Topsail, which gave the great suspicion that they were Enemies.

New-York, April 17. By a Barque from *Jamaica*, (last from *Bermuda*, 7 Weeks Passage,) says, there was an Imbargo in that Island several Months, occasioned by News they had of a design the *French* & *Spaniards* had, to make a descent upon them: She came out with the Homeward bound *London* Fleet, who are gone home without Convoy.

Capt. *Davison* in the *Eagle* Gally, Sails for *London*, in a Month, if the *Virginia* Fleet stays so long; he intends to keep them Company Home, if not, to run for it, being Built for that Service.

Philadelphia, April, 14. An Account that the *Dreadnaught* Man of War was Arrived in *Marryland*.

N. London, April, 20. The Adventure, A Vessel 60 Tuns, will Sail from thence to *London*, in three Weeks or a Months time.

Advertisement.

This News-Letter is to be continued Weekly; and all Persons who have any Houses, Lands, Tenements, Farms, Ships, Vessels, Goods, Wares, or Merchandizes, &c. to be Sold, or Let; or Servants, Run-away, or Goods Stole or Lost; may have the same inserted at a Reasonable Rate, from *Twelve Pence* to *Five Shillings*, and not to exceed: Who may agree with *John Campbel* Post-master of *Boston*.

All persons in Town and Country, may have said News-Letter every Week, Yearly, upon reasonable terms, agreeing with *John Campbel*, Post-master for the same.

THE BOSTON NEWS-LETTER*

From Monday April 24 to Monday May 1, 1704

AS—MH—NY

South-Carolina Via New-York.

AN Account of what the Army from thence had done, under the Command of Colonel *Moore* in his Expedition last Winter against the *Spaniards* and *Spanish* Indians. In a Letter from him to

*This issue is a full sheet folio, the last page, however, blank. The foreign matter comprises extracts from the *London Flying Post*, from December 23 to 25, covering European war news in advices from

the Governor of *Carolina*. May it please Your Honour to accept of this short Narrative of what I with the Army under my Command have been doing since my Departure from the *Ockomulgg* on the 19th. *December*. On the 14th. *January* we came to a Town, and strong and almost regular Fort about Sun Rising, call'd *Ayavalle*, at our first approach the Indians in it fired and shot Arrows at us briskly; from which we shelter'd our selves under the side of a great Mud-wall'd House, till we could take a view of the Fort, and consider of the best way of assaulting it: which we concluded to be by breaking the Church door, which made a part of the Fort, with Axes. I no sooner proposed this, but my men readily undertook it; ran up to it briskly, (the Enemy at the same time shooting at them) were beaten off without effecting it, and fourteen white men wounded, two hours after that we thought fit to attempt the burning the Church which we did, three or four Indians assisting us: The Indians in it obstinately defending themselves, and kill'd us two white men, viz *Frances Plowden* and *Thomas Dale*; after we were within their Fort, a Fryar the only white in it came forth and begged mercy; In this we took about 26 men alive, and 58 Women and Children; The Indians took about as many more of each sort, the Fryar told us, we kill'd in the two Storms Twenty five men. The next morning the Captain of *St Lewis* Fort with 23 white men and 400 Indians came to Fight us, which we did, beat him, took him, and Eight of his men Prisoners; And as the Indians which say they did it, told us kill'd five or six Whites: We have a particular Account from our Indians of 168 Indian men kill'd and taken in the Fight and Flight, but the *Appalachia* Indians say, they lost 200, which we have reason to believe to be the least. Captain *John Berringer* Fighting bravely in the Head of our men was kill'd at my foot; Captain *Fox* dyed of a Wound given him at the first Storming of the Fort. Two days after I sent to the *Cassik* of *Ibitachuka*, who with 130 men was in his strong and well made Fort, to come and make his peace with me, the which he did, and compounded for it, with his Churches Plate, and ten Horses laden with Provisions: After this I marched thro' five Towns which had all strong Forts and Defences against small Arms; they all submitted and surrendered their Forts to me without condition. I have now in my Company all the whole People of three Towns, and the greatest part of four more: we have totally destroyed all the people of two Towns: So that we have left in *Appalatchia* but that one Town

Warsaw, Zurich, and Vienna, and reports from Frankfort as to the design of France and Spain to divide Switzerland "betwixt them." The imprint of this number reads: "Boston, Printed by B. Green, Sold at the Post-Office, 1704."

which compounded with one part of *St. Lewis*, and the people of one Town which run away all together; their Town, Church and Fort we have burnt. The people of *St. Lewis* come to me every night. I expect and have advice that the Town which compounded with me are coming after me: The waiting for these People make my Marches slow, for I'm willing to bring away with me free, as many of the Indians as I can: This being the Address of the Commons to Your Honour to Order it so, this will make my mens part of Plunder (which otherwise might have been 100*l* a man) but small: but I hope with Your Honours assistance to find away to gratifie them for their bold and stout action, and their great loss of blood: I never see or hear of a stouter or braver thing done, than the Storming the Fort: It hath regained the reputation we seem'd to have lost under the Conduct of *Robert Macken*, the Indians having now a mighty value for the Whites: *Appalatchia* is now reduced to the feeble and low condition, that it can neither suport *St. Augustin* with Provision, or disturb, endamage or frighten us; our Indians living between us and *Appalatchia* and the *French*: In short we have made *Carolina* as safe as the conquest of *Appalatchia* can make it. If I had not so many men wounded in our first Attempt, I had assaulted *St. Lewis* Fort, in which is about 28 or 30 men, and 20 of these came thither from *Panseccooola* to buy Provision the first night after I took the first Fort. On Sabbath the 23^d Instant I came out of *Appalatchia* settle[ment], and am now about Thirty miles on my way home, but do not expect to reach it before the middle of *March*, notwithstanding my Horses will be able to carry me to the *Chereques* Mountains. I have had a dirty, tedious and uneasie Journey, and though I have no reason to fear any harm from the Enemy, through the difference between the Whites and Indians, and between Indians and Indians, bad way and fales Alarms, do still labour under hourly uneasiness. The number of free *Appalatchia* Indians which are now under my protection, and bound with me to *Carolina* are 1300. And 100 for Slaves. The Indians under my Command kill'd and took Prisoners in the Plantation, whilst we Stormed the Fort, as many Indians as we and they took and kill'd in the Fort. *Dated in the Woods 50 Miles N. and E. of Appalatchia.*⁽¹⁾

Piscataqua, April 22d. Last night arrived one *Parker* in a Sloop from *Antigua* 3 Weeks passage, Says, that the New General is daily

(1) Reprinted from the News-Letter in Carroll's "Historical Collections of South Carolina," vol. II 1836. Bancroft in his "History of the United States," vol. II, p. 194, errs in referring to this invasion as having occurred in the last weeks of 1705.

expected with 14 or 16 Sail of men of War. That the French have 22 Sail of Privateers out.

Boston, April 24. By a Sloop arrived here from *Jamacia*, *Judah Thacher* Master, about 5 Weeks passage from thence; acquainted, That the man who gave information of a descent intended by the *French* and *Spaniards* to be made on that Island, being found false was put in Prison. That there was an Indian come from the Mainland of *New-Spain* complaining to the Governour of *Jamacia*, of bad usage they had met from the *Spaniards*, and if His Excellency would send Forces, that the Indians would joyn them, and destroy the *Spaniards*, what they could: The Indian was a brisk little Fellow, whom his Excellency was pleas'd to Cloath well: but whither he would send Forces or not the Master could not tell. There was one Capt. *Christian* a French Privateer, in a small Snow about 6 Guns, Sailed from the *Havana*, with two more Privateer Sloops in Company, having on Board about 150 men, designed to land on the North side of the Island of *Jamacia*, and plunder the People. But Capt. *Gelding* in a private man of War Sloop, 4 Guns, about 60 men, belonging to *Jamacia*, came up with said *Christian*, and his two Sloops; the which two Sloops he took, and gave *Christian* abroad side, and Chased him; but *Christian* out-sailing *Gelding*, made his escape, and got clear; which if Capt. *Gelding* had not met with, might have proved very detrimental to that Island.

Boston April 28. An Express came to His Excellency from *New-Hampshire*, acquainting him, That there was a man found Dead and Scalpt near *Dover*, but whither kill'd by English or *Indians*, not yet known.

Sail'd from *Boston* this Week, Capt. *William Blaire*, in the Ship *Providence* for *Barbados*. *Zachariah Cauley*, in the Ship *John* for *Lisbon*. *Stephen Pain*, in the Sloop *Mary* for *Madera*. *John Moor* in the Ketch *New-Berry* for *Newfoundland*. *Richard Smith*, Brigateen *Dragon* for *Antigua*. *Nehemiah Heath* in a Brigateen *Endeavour* for *Ruanoke*.

And out-ward bound, *James Bridgham* for *Barbados*, in the Sloop *Unity*. *John Richards*, in the Brigateen *Sarah*, for *Jamacia*: And *Nathaniel Vial* in a Sloop *Lark*, for said Port. *Joseph Brown*, in the Ketch *Freke*, for *Madera*. And Capt. *Giles Enfield* in the Ship *Mary*, for *Antigua*, Sails within Ten days, from Rhode-Island. Capt. *Samuel Pain* in the Ship *Grayhound*, is bound for *Nevis*, will Sail in about a Fornight. *Judah Thacher* in a Sloop bound for *Jamacia*, will Sail about 20 days hence.

Piscataqua, April 28. By letters thence, acquainted, That on the 18th Marched Forty one English and Indians from *Salmon-Falls* unto Winnopiscag Ponds, and at the same time from thence (being the Seat of War) about 90 more *Eastward*, under the Conduct of Capt. *Brown*, having 8 dayes Provision, who Travelled thro' Well's round Mowsum River, and 20 Miles up Saco, being the most reputed Places for Fishing; they returned last *Wednesday*, but could not discover any Foot-steps of the Enemy, excepting one Canoo.


On *Tuesday* the 25 *Nathaniel Meader* of Dover in *Oyster River* being [?at] work in his Field, and burning Brush was [way] laid by a Company of Indians, as he returned home about Sunset, who shot him through the thigh & leggs, then took, Scalpt, kill'd, and stript him Naked.

On *Wednesday* Morning, a small Scout made a descent on *Lam-prey, Eel River*, who destroyed *Edward Taylor*, at the Sawmill and took his Wife and Son Captive, as they went from the Garrison unto their dwelling-house, about a Mile and a half distant in the Woods. Major *Hilton* instantly raised about 20 men, who in a little time discovered the Enemies track, but the Night approaching, prevented any further discovery.

Rhode-Island, April 27. The Honourable Col. *Nathaniel Byfield*⁽¹⁾ Esq. his Commission for Judge of the Admiralty, was published and admitted of here, on the 25. Currant.

The prize that Capt. *Toungerlo* sent in, could not be condemned, in regard there was not Evidences sent in her; but those to whom she was conigned proffer'd sufficient Bond and Security to respond said Goods, upon having liberty to take them on Shoar till could be condemned, which suppos'd would be granted.

New-York, April 24. The *Dreadnought* with Colonel *Seymour*, Governour of *Maryland* Arrived the 10th Instant. The *Virginia* Fleet will Sail the latter end of *May* for *London*. Captain *Davison* from hence designs to keep them Company if they Sail at that time. On the 18th Arrived a Sloop here from Curaso: The 23, a Sloop Arrived from *Madera* 7 Weeks Passage, *Joseph Wright* Master. Capt. *Burges* and Capt. *Davies* lie ready to Sail for *Virginia* for Convoy home.

 Lost on the 10. of April last off of Mr. Shippen's Wharff in Boston, Two Iron Anvils, weighing between 120 and 140 pounds each: Whoever has taken them up, will bring or give true Intelligence of them to *John Campbell* Post-master, shall have a sufficient reward.

(1) See note (2) on p. 131.

Advertisement.

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THE BOSTON NEWS-LETTER*

From Monday May 1 to Monday May 8, 1704

AS—MH—NY

By his Excellency *JOSEPH DUDLEY* Esq. Captain General and Governour in Chief in and over Her Majesties Province of the *Massachusetts-Bay* in *New England*

A PROCLAMATION for a GENERAL FAST

UPon Consideration of the troublesome Sate of Europe by reason of the Calamitous Wars wherein those Nations are Engaged amongst themselves, and of Her Majesties Great & Just Interest therein; As also the present Circumstances of these Her Majesties Territories and Plantations, And the Influences which the Wars of Europe may have upon our selves; Together with the Hostilitie acted against us by the treacherous Murderous Salvages within our Limits I have thought fit, by and with the Advice of Her Majesties Council, and at the desire of the Representatives, to Appoint Thursday, the 18th of May next, A day of Publick Fasting with Prayer to be observed throughout this Province, Humbly to Implore the Divine Mercy, for the Preservation of Her Majesties Sacred Person, That

*In this issue return was made to the half sheet folio printed on both sides. The first page is largely taken up by extracts from the London Gazette, Novemb. 8 to 11, 1703, giving a report of the opening of Parliament and the Queen's speech. The imprint of this number runs as in the issue of April 17, (p. 45): "Boston: Printed by B. Green, Sold by *Nicholas Boone* at his Shop near the Old Meeting-House."

Her just Armes with those of her Allies may be prosperous in the Actions of this present year; That the Forces in this Province Employed in Her Majesties Service, may by the good Conduct of Heaven, be Succeeded in their just Enterprises, and our Enemies defeated; That the Defence of Divine Protection may be over our Sea Coast and Inland Frontiers; That our Seed-time and Harvest may be under benign Influences of Heaven; That there may be a plentiful Effusion of the Holy Spirit of GOD for a thorough Reformation of all those Evils which are amongst us, That so GOD may turn away his Anger and Restore us a prosperous State; And that the Protestant Interest may every where prevail throughout the World. Exhorting both Ministers and People in their respective Assemblies Religiously to perform the Duties required on such a Day with a becoming Devotion: And all Servile Labour is forbidden thereupon. Given at Boston the 27th Day of April 1704, In the Third Year of Her Majesties Reign

J. DUDLEY

By Order of His Excellency and Council

Issac Addington Secr.

God Save the Queen.

Piscataqua, April 29. By⁽¹⁾ Letters thence, acquainted, That on Fryday the 28th four Indians Seized a Servant Maid of *Richard Waldron's* Esq. at *Cocheco*, who went about 150 yards from the Garrison to a Spring for a Jugg of Water, about half an hour before Sun down: Supposed to be the same *Indians* that did the mischief mentioned in my last upon *Nathaniel Meader* and *Edward Taylor*: They askt her many Questions; viz Whither there was not a *French* Shallop put on Shoar in *New-England* in a Storm? And what was become of the Frenchmen? Whither or not we had any forces going out against the French? What number of Souldiers was in the Garrison? What *Mr. Waldron* had been doing in his Field all day? What he designed to do with that new Timber hal'd to the side of his House? They told her that they had lyen near his House all that day, and a Week before to wait to Catch him, whom they saw to pass over his Boom towards Capt. *Gerrishes* two Hours, by Sun-set; and that they might take him on his return, they had crept down to the foot of the Boom, as near as possible: at which time the Maid came along, and

(1) Written on the margin of the copy in the file of the Massachusetts Historical Society; "This was a story invented by the Girl to conceal her staying too long at the Spring with a young man."

were forced to take her, otherwise they must have been discovered: They told her also that they had been so near him in the Field, that one of them had Cock'd his gun at him, and going to discharge, another perswaded him to forbear, he would presently have a better Shot at him: They likewise told her 'twas never the near for him to build his New Fortifications round his House, for they would certainly take him, and that 'twere in Vain for him to Plant his New Orchard in his Field for he should neither eat the Apples, nor drink the Cyder, for that they would have him by & by, and roast him, and She should see it. In the Interim Mr *Waldron* coming over the Boom; the Watchman on the Top of his House, not knowing who it was call'd out, *Stand*; which the *Indians* hearing, being frightened, ran all away, one stept back and with the head of his Hatchet, knock't the Girl down, and left her for Dead, who lay in the Spot two Hours, till being found wanting, was enquir'd after and search'd for at the Spring, where She was found, a little come to her self; hope She may do well, for her Skull is not broke. Thus Mr. *Waldron* narrowly escap'd.

Jamacia, by Letters *Via New-York* of March last, acquainted, that the Sea-horse Man of War took 3 French Prizes, one belonging to *Peteguaves*; one of them got so near the Shore, and the man of War in pursuit of her is run on Shore upon the back side of *Jamacia* and is lost.

Boston, Arrived this Week from *Barbados*, about a Months passage, Capt. *Alden*, *Green*, *Bennet*, *Foster*, *Barns*, and *Hobbs*, but bring no News, & *Everton* came out in Company, not yet Arrived, as also *Gurley* for *Marblehead*, and *Perkins* for *Cape Ann*. Arrived also Mr. *Montveil* in a Sloop for *N. York*, & Capt. *Shute* at *Plymouth*, from *Saltitudes*, having lost his Mast in a Storm & necessitated to thro' overboard part of his Loading.

Outward Bound, *Judah Thacher* for *Jamacia*, and *Carteret Gillam* for Rhode-Island.

New-York, May 1. Yesterday Arrived a Sloop in 7 days from *Virginia*, by whom advised, that the Fleet will not Sail till the last Instant, or first of June; and that 2 Men of War are daily expected there to Strengthen the Convoy. Capt. *Davison* in the *Eagle* Gally hopes to Sail with them, he purposes from hence about 25 of this Month. Capt. *Burges* and *Davis* Sail'd last Week for *Virginia* to joyn the Convoy home, and Capt. *Potter* designs also next Week. A

Ship of 350 or 400 Tuns, Capt. Harrison Commander, was lately burnt in Virginia having on board 460 Hogsheads, 'tis said the Gunner went Drunk to Bed, and left a Candle burning in his Cabin, by which the Ship was fired & he and 2 or 3 were burnt in her.

Advertisements.

STollen the 4 instant in the Morning out of the house of James Cooper, near Charlestown Ferry in Boston, several sorts of mens Apparel, both Woolen & Linnen by an Irish man, speaks bad English; he is a young man about 22 years of Age, low Stature, dark coloured hair, round visage, fresh coloured: he ript a small stript Ticking-bolster, and put some of the Goods in that he carried away. Whoever discovers said Person, or Goods Stolen, so as both be secured, shall have sufficient reward at the place aforesaid.

AT Oysterbay on *Long-Island* in the Province of N. York, There is a very good Fulling-Mill, to be Let or Sold, as also a Plantation, having on it a large new Brick house, and another good house by it for a Kitchin & work house with a Barn, Stable &c. a young Orchard and 20 Acres clear Land. The Mill is to be Let with or without the Plantation: Enquire of Mr. *William Bradford* Printer in N. York and know further.



A PICTORIAL LIFE OF LINCOLN

IN the January number of this magazine announcement was made concerning the pictorial life of Abraham Lincoln which may well be reproduced herewith:

“A series of Lincoln pictures, constituting a pictorial history of the martyr president will be a feature of the American Historical Magazine during the current year. These prints from steel plates comprehend the life of Lincoln from his boyhood days and the time that he first appeared in public life, until his death. Many of the prints are exceedingly rare, produced from plates that have long been out of public sight; and all of them are of exceptional value to every student of American history.”

In conformity with this purpose, three additional steel plates of the Lincoln series are published in the current number in this magazine. One is a small medallion bust portrait of the martyred President framed in round and surmounted with an eagle and shield and with flags draped below. The other portrait shows Lincoln seated in pondering attitude beside a table. It is reproduced from a Brady photograph taken during the later years of Lincoln's life.

Another cartoon in the series fully illustrates the coarse humor often manifested at that time by the opponents of anti-slavery. Like that which was printed in the January number of this magazine, it is only valuable from the historical point of view, as illustrating the animosity and bitter feeling that enflamed a large portion of the country at that time.

POST REVOLUTION LETTERS

FROM UNPUBLISHED MANUSCRIPTS OF THE MAGAZINE OF
AMERICAN HISTORY

GENERAL EBENEZER STEVENS TO GOVERNOR JOHN JAY

Communicated by John Austin Stevens

New York 3d April 1798—SIR—I have been honored with your favor of the 20 Ulto inclosing a Resolution of the House of Assembly respecting the Fortifications of this Port. When your letter arrived here I was in Philadelphia with a memorial from our Chamber of Commerce to Congress similar to that forwarded to Mr Walton at Albany, I had several meetings with the “Committee for the Protection and Defence of the Country” and inclose you a copy of their Report relative to our Port and Harbour; they finally agreed to advise that an appropriation of One Hundred and fourteen thousand Dollars be made, to carry into effect the objects therein recommended.

You will observe by referring to the said Report, that it recommends a Repeal of the proviso of Cession in the act of the last Session of Congress, authorizing an Expenditure on ceded ground of the balance due from the indebted States— From the information which I received it appears by no means certain, that Congress will agree to that part of the Report, or that the Sum recommended to be appropriated for the fortifications of this City and Port will be granted altho the Committee *were unanimous* that the Cession was not necessary. I waited on the President of the United States, and dined with him—after dinner, I had a private conversation with him respecting Artillery and Military Stores for our Cannon that are mounted on Car-

riages; observed to him there was money already granted for the operation, and wished he would direct the Secretary of War to advance Twenty thousand dollars for Gun Carriages a Floating Battery and Travelling forge—but he observed it could not be unless our State gave the jurisdiction to the United States— Mr [—] thought with me that money might be given immediately for that object—I was informed that application would be made to your Excellency to borrow Thirty twenty four pounders for the United States Frigate— I do not know how they can be spared unless the U. States would lend our State in lieu of them, Thirty eighteen pounders.

I find my private business suffers, by my attention to public matters, yet I would have set out for Albany yesterday, if Mrs Stevens did not expect to be immediately confined. I have been desired to visit the Furnace at Salisbury on behalf of the United States, who talk of buying the works after they have been viewed and could not say No to the request. I was also invited to view the Cannon in Philadelphia and the works on the Delaware but declined it— The Secretary of War requested me to give an Estimate of the Expense and my opinion in writing relative to the fortifying our Port and Harbour which I am preparing—and I hope to forward you the necessary information you require by the next mail.

EBENEZER STEVENS

ROBERT MORRIS TO PRESIDENT WASHINGTON

From the Western Memoranda in the New York Historical Society Collections.

Philada Aug 28. 1798 SIR. In the year 1791—I purchased of the State of Massachusetts a Tract of Country lying within the boundaries of the State of New York which had been ceded by the latter to the former State under the Sanction & with the concurrence of the Congress of the United States. This Tract of Land is bounded to the East by the Genesee River to the North by Lake Ontario, to the

West partly by Lake Erie and partly by the Boundary Line of the Pennsylvania Trinagle & to the South by the Worth Boundary Line of the State of Pennsylvania, a Printed Brief of my Title I take the liberty to transmit herewith, To perfect this Title it is necessary to purchase of the Seneca Nation of Indians their native right, which I should have done soon after the purchase was made by the State of Massachusetts but that I felt myself restrained from doing so by Motives of Public consideration. The war between the Western Indian Nations & the United States did not extend to the Six Nations of which the Seneca Nation is one and as I apprehended that if this Nation should sell its right during the existence of that war, they might the more readily be induced to join the Enemies of my Country I determined not to make the purchase while that war lasted— When peace was made with the Indian Nations I turned my thought toward the purchase which is to me an object very interesting, but upon it being represented that a little longer patience untill the Western Ports should be delivered up by the British Government might still be of public utility I concluded to wait for that event also which is now happily accomplished, and there seems no obstacle remaining to restrain me from making the purchase, especially as I have reason to believe the Indians are desirous to make the sale

The delays which have already taken place and which arise solely from the considerations above mentioned have been extremely detrimental to my private affairs, but still being desirous to comply with Formalties prescribed by certain Laws of the United States altho those Laws probably do not reach my case, I now make application to the President of the United States and request that He will nominate and appoint a Commissioner to be present and Preside at a Treaty which He will be pleased to Authorize to be held with the Seneca Nation for the purpose of enabling me to make a purchase, in conformity with the Formalties required by sd Law, of the Tract of Country for which I have already paid a very large sum of Money. My right.

to the pre-emption is unequivocal and the Land is become so necessary to the growing Population and surrounding Settlements that it is with difficulty that the white People can be restrained from squatting or settling down upon the Lands, which if they should do it may probably bring in contentions with the Six Nations. This will be prevented by a truly fair & honourable purchase This proposed Treaty ought to be held immediately before the Hunting Season, or another year will be lost as the Indians cannot be collected during that season. The loss of another year under the payments I have made for these Lands, would be ruinous to my affairs, and as I have paid so great deference to Public Considerations whilst they did exist, I expect and hope that my request will be readily granted now when there can be no cause for delay, especially If the Indians are willing to sell which will be tested by the offer to buy With the most perfect Esteem respect Sir I am Sir your most obedt and most hble Sert

ROBERT MORRIS

GEO. WASHINGTON ESQR

President of the United States

THE MARQUIS DE LAFAYETTE TO JAMES MCHENRY

Communicated by I. Howard M'Henry

[Private] *La Grange department de Seine et Marne 7th March 1800* MY DEAR MCHENRY While you receive, as a Secretary of War, an application from Mde de Fleury, widow of the Gallant officer whose services in America Have Been so justly celebrated, permit a private friend to express those personal good wishes which sense of duty as a deceased Brother Soldier, affectionate American Remembrances and sincere concern for the lady's welfare prompt me to form in her behalf. Your countryman C'nel Smith, Has on an important occasion witnessed Fleury's spirit and talents, The part He acted under G'ral Wayne has been consecrated by a medal— There is indeed no General officer or soldier but also who might Have a glori-

ous account to give of him in every action where he has fought. His widow has imparted me her intentions to address the government of the United States previous to which she is about consulting the Commissioners now in Paris and as she thinks a letter from me to my intimate friend the Secretary of War may be with him a proper introduction, I write the more readily as Besides my own regard for the memory of General Fleury I know he is himself a partaker in these sentiments. Very affectionately I am
Dear McHenry Yours

LAFAYETTE

Had not the world been deprived of His Greatest Ornament Mde de Fleury would Have found in our beloved General the patronage which from him was equally Honorable and efficacious.

THE HO'LE JAMES M'HENRY ESQR

Secretary at War Philadelphia

GENERAL HENRY KNOX TO GENL EBENEZER STEVENS

Communicated by John Austin Stevens

Montpelier St Georges River 16 Oct 1801 MY DEAR GENERAL Permit me to request your kind agency in the following object which is of great importance to me as forming an essential part of my income— I experienced your kindness on a former occasion which left me in your debt which I shall shortly discharge with interest— My affairs have been deranged by circumstances which I could not control— But the great landed estate which I possess which is rising rapidly in reputation and value will shortly if God spares my life enable me to pay all and have a sufficiency left for comfort in declining years. During the last and present years I carried on the manufacture of Lime, my estate abounding with Lime stone and Marble This year we have burnt about 5,000 Casks, great care is taken that none shall be shipped but such as is excellent in quality— That which I before shipped was not of my own manufacture and I was deceived in its quality— I warrant

all the lime I make. I brand the Casks with my own name, each cask contains 50 gallons or 6 bushels and a quarter. I have shipped a few casks as a specimen which I pray you in conjunction with Mr Martin Hoffman to take under your protection and endeavour to promote a sale by way of contracts. I can furnish 5000 Casks and upwards in the course of the season commencing in April at 3 dollars and 33 cents per cask. If any of the great Masons would take the trouble of trying my Lime, and finding it the quality I flatter myself they would find it, to recommend it they should have it at 3 dollars relinquishing to them the 33 Cents p cask. Do my good sir use your exertions on this occasion to serve an old friend and if you use half the exertion and talents you used in the artillery I shall fully succeed. Perhaps it might be profitable to hire a cheap dry store in some remote part of the city in which always four or five hundred casks might be on hand, and to put it under the direction of some influential and faithful Major who would daily account for the proceeds. Apropos your legislature resolved to expend a large sum on the fortifications could not a contract be formed for that object. After having fully considered this subject let me have your candid opinion thereon. If a contract to a considerable amount could be formed I would in the course of the winter go to New York for that purpose— I shall be in Boston after the 20th of next month. I am my dear Sir Your sincere friend and servant

H. KNOX

GENL EBENEZER STEVENS

THE MARQUIS DE LAFAYETTE TO JAMES MCHENRY

Communicated by J. Howard M'Henry

19th Thermid or 6 August 1805 MY DEAR MR HENRY I am sure you will Heartily welcome Mr David Parish, to whose father and to whom I have been during my captivity and ever since under the Highest Obligations. Mr John Parish was the American Consul at Hamburgh when my wife and daughters arrived from France to endeavor to partake in

my Olmutz prison and treatment—they and myself have found in the whole family the most affectionate concern in our behalf, the most generous and constant assistance— My friend David is going to visit America— I am Happy to make him acquainted with you and am with all my Heart and for ever Your Affectionate Friend

LAFAYETTE

JAMES McHENRY Esq.

Baltimore—

THOMAS JEFFERSON TO WM A BURWELL

Communicated by Charles Bruff

[18]

Monticello Apr. 16. 07 DEAR SIR The interest which you were so kind as to take in Mr. Randolph's sickness will I am sure render it acceptable to you to learn that his fever left him finally in the morning of the day on which you left us, and that he convalesced regularly from that period though slowly on account of the quantity of blood taken from him. We did not leave Washington till the 7th inst. he might have ventured a few days sooner, but that an attack of periodical head ache detained me till then. I shall return early in May & be here in the latter end of July & at Bedford early in August. We shall expect to see you here in August or September according to promise. Our spring set in on the 13th inst, our first peach blossoms were on the 14th, Asparagus just beginning to show itself. no fish in our part of the river as yet. We have nothing new and interesting to us from either England, France, or Spain. Mr Nicholas is unopposed for Congress here. Dawson's majority in Spotsylvania & Louisa has been of about 100 in each; in the other two counties, he will get nearly the whole. I think Thompson will lose his election by no great majority, and it is rather probable Lewis will lose his. Garnet it is believed will be re-elected. Accept affectionate salutations & assurances of perfect esteem

TH JEFFERSON

THE HONBLE WILLIAM A. BURWELL
near Franklin Court house

THE MARQUIS DE LAFAYETTE TO CHARLES KING

Communicated by C. E. Van Cortlandt

La Grange September 28. 1832 This letter My dear Sir, will be delivered by Mr Fiorelli, a young Italian Sculptor a Refugee patriot nephew to the Gentleman whom I introduced to you, in 1824 and who unfortunately put an end to his life. I recommend him to your good advice and beg you to accept the best wishes and regard of your old affectionate friend

LAFAYETTE

CHARLES KING ESQR NEW YORK

by Mr. Fiorelli

JOHN ADAMS TO PRESIDENT MADISON

COMMUNICATED BY F. B. M'GUIRE

Quincy November 28. 1814 DEAR SIR When my Son departed for Russia, I enjoined upon him to write nothing to me, which he was not willing should be published in French & English Newspapers. He has very scrupulously observed the rule. I have been equally reserved in my letters to him; but the Principal in both sides has been to me a cruel privation, for his correspondence when Absent, and his conversation when present has been a principal enjoyment of my life. In the enclosed Letter he has ventured to deviate; and has assigned his Reason for it, I think however that I ought to communicate it to you. I have no papers, that I recollect that can be of any service to him. I published in the Boston Patriot all I recollect of the Negotiations for Peace in 1782 and 1783 But I have no copy of that Publication in manuscript or Print, and I had hoped never to See it or hear of it again

All I can say is that I would continue this War forever. rather than surrender One Acre of our Territory, one Iota of the Fisheries, as established by the third Article of the Treaty of 1783 or one Sailor impressed from any Merchant

ship. I will not however say this to my Son though I shall be very much obliged to you, if you will give him orders to the same Effect, It is the decree of Providence, as I believe, that this Nation must be purified in the furnace of Affliction, You will be so good as to return my Letter and believe me your respectful fellow citizen & Sincere public Servant.

JOHN ADAMS.

PRESIDENT MADISON

THOMAS JEFFERSON TO JAMES MADISON

Communicated by Thomas Addis Emmett

Monticello Nov 1. 24 MY DEAR SIR I received yesterday from Lafayette a letter confirming his movements as stated in the Enquirer of Friday last. he says he will be here on Thursday next and expresses his hope to meet you here.— I presume you also have heard from him, but hope, at any rate this will reach you in time to be with us on Wednesday, if Mrs Madison will accompany you it will be the more welcome to us all, there is a scarcity of Carriages here. Yours will be a convenience if you can come in it. I know nothing certain of his subsequent movements, but the understanding is that he goes hence to Montpellier and thence to Meditz— Nothing more from Wilmer. Yours affectly

TH JEFFERSON

To [JAMES MADISON]

GEORGE W. LAFAYETTE TO HENRY BREVOORT
[CHAIRMAN]

COMMUNICATED BY I. CARSON BREVOORT

Translated for the Magazine

Paris le 23 May 1834—GENTLEMEN, It was with sentiments of the most respectful gratitude that I received the letter you have done me the honor to address to me on the

occasion when my family and myself met with the loss of the venerable and tenderly loved father whom Heaven had vouchsafed to us. After having covered with satisfaction and glory the old age of him who had the happiness to consecrate to them his youngest years the citizens of the United States will weep with us over his tomb, and then they will be to his memory a precious reward for his fidelity to the convictions which he brought with him from the classic land of liberty—these tears will be equally gathered by his children, and grandchildren, they will give them courage to support their misfortune, force to march with firm and assured step in the path which he who knew how to deserve them always followed

Gentlemen, your sympathy softens our affliction, it spreads a salutary balm upon our hearts broken with grief Receive the homage of our respectful gratitude

GEORGE W. LAFAYETTE

MR HENRY BREVOORT

and the Members of the American Committee

AARON BURR TO GENL EBENEZER STEVENS

Communicated by John Austin Stevens

Albany 17th Augt 98 DEAR SIR Your letter with the details of field equipage is received in season to be useful The other copy had been taken by a gentleman who hath since returned it—both are wanted. Mangin wrote me referring to maps and plans enclosed, but the letter contained none, neither have any been received; request him to supply the deficiency by return of Post. If either of you could by the same Mail send me an estimate (no matter how rough) of the probable cost of an *impregnable Castle* to contain from 75 to 200 Cannon, Howitzers and Mortars— The Cannon to be all or principally on two or three faces tending as much as possible in one direction with a very slight defence in the rear—perhaps a dead wall with loop holes caronades &c. The Castle to be two or three stories as may be deemed best and supposed to be erected on ground

now six feet under Water. Set Mangin forthwith to work at the estimate and plan but make no talk about it, and let it be forwarded without delay— Attention is paid to the Artillery— Neither your interests or your wishes shall be neglected as far as depends on me Very respectfully Your assured friend and obdt sert

A. BURR

The business of the appropriations goes on slowly, but it in fact advances. It has been infinitely fatigueing and laborious to me— Yet I do not despair of accomplishing something which shall gratify my fellow Citizens— The Mail expected this evening has not arrived—

ORIGIN AND DEVELOPMENT OF THE SILK INDUSTRY IN AMERICA

BY HENRY WHITTEMORE

(Continued from the January Number)

OHIO was the first of the Western States to engage in silk manufactures. In 1840, a regularly organized silk factory on a small scale was put in operation by I. W. Gill, Esq., in Mount Pleasant, Ohio, under the superintendence of an experienced English manufacturer, who spun and wove, from native silk, velvets worth from four to six dollars a yard, hatters' plush, dress silks, flowered vestings, handkerchiefs and other fabrics.

About the same time an establishment at Baltimore, Md., employed fifteen or twenty Jacquard looms in making silk and worsted vestings, velvets, dress and other silks. But the chief output of the silk manufacturers consisted of sewing silk, fringes, tassels, gimps, coach lace and other trimmings, engaged in the production of which were several factories in the country. The annual value of silk manufactures imported was very heavy, amounting on an average of the twenty years preceding 1841 to about eight and three-quarter millions of dollars, and for the year 1839, including raw silk and one-half the value of silk and worsted, to nearly twenty-three million dollars.

In 1839, the Silk Bill commanded a large share of public attention; but there were symptoms that the speculation in mulberry trees had reached its height and would be followed by a reaction. Many who purchased trees in the autumn of the last year in the expectation that for every thousand dollars invested they would realize fifty thousand by the sale of the increased buds, were disappointed in

their calculations. *Morus multicaulis* trees were offered in great abundance at "three cents per tree, healthy and well branched," and a writer ventured to predict that their value in the autumn of 1840 would not exceed three dollars per cartload. The "Atlantic Silk Company," of Nantucket, capital \$400,000; the "Valentine Silk Company," of Providence; the Poughkeepsie (N. Y.) Silk Company, and the Northampton (Mass.) Silk Company, capital \$80,000, had all sunk their capital and had ceased operations.

Notwithstanding the aid and encouragement that had been offered from time to time, and notwithstanding the favorable climatic conditions in the United States for the growing of mulberry trees and the rearing of silk-worms and cocoons, it began to be realized that the culture of silk could not be continued here profitably. The cost of producing reeled silk was always less in Italy, France and the Orient than elsewhere, because the requisite help for reeling the cocoons could be employed for a few cents a day. It was only when the manufacture of silk goods was taken up that the industry in America began to secure a firm foundation.

Sewing silk was the first product from the raw material, and the first machines for making it were the common domestic small and large spinning wheels. The first manufactory for silk cloth in the United States is said to have been established at Providence, R. I., about 1820. Sewing silk was produced in 1825 in Windham County, Conn., to the value of \$54,000; and in 1838, William H. Horstmann, of Philadelphia, had power looms made from his own designs. Horstmann also introduced in this country power-loom weaving for narrow textile fabrics and small wares simultaneously with the first power loom in Basel, Switzerland; in fact, gold laces were made by power by Mr Horstmann several years prior to the first attempt in Europe. By 1833 there were twelve mills built for the manufacture of silk goods, chiefly in New England.

At the first annual meeting of the New England Silk Convention, held at Northampton, Mass., September 28th, 1842,

reports were received from various parts of the Union, showing that the manufacture of silk was progressing favorably. Among the resolutions adopted by the convention at this time was the following:

“Resolved, That in regard to all agricultural products there is a broad and well-defined distinction to be observed between permanent and transient causes of failure or success; that the permanent causes are climate and soil, and that wherever these are known to be favorable to any such product we should never be discouraged by transient causes operating against success, knowing that these causes operate in like manner in regard to all products.

“Resolved, That the silk culture demands for its successful prosecution essentially the same climate and the same kind of seasons, the same kind of upland soils, as are required for Indian corn.”

The convention expressed gratification in beholding the manifestations of a growing public confidence in the essential merits of the silk business, resolving: “That we rejoice in the liberal protection given to the silk business in the new tariff enacted by the Congress recently closed, and in the fact that this section of the bill excited no opposition from any quarter of the country. . . . That inasmuch as we at present do not, and for some years can not, furnish our silk manufacturers from our fields with an adequate supply of the raw material, a heavy duty on raw silk would operate against the manufacturers and so injure the general business; therefore for the present the silk grower must look chiefly to his own state legislature for that measure of legislative aid and encouragement which in the infancy of his business he so much needs.”

In the reports from the several States was one from Timothy Wheelright, of Wells, Maine, in which he said: “I have 1,500 white mulberry trees set in a hedge, one, two, three and four years old. Trees not injured by the winter after the first year.” George Fitch, of South Bridgton, Maine, said: “I have made 78 pounds cocoons at an expense of \$19.10.” D. B. Blakely, of Wayne County, N. Y., said: “This spring I planted five acres of trees; have fed

from one and a half acres only; have made 300 pounds of first-rate cocoons. The expense of making the 300 pounds has been \$42.50." Thomas White of Cincinnati, Ohio: "I am much gratified to learn that the silk business is progressing in New England. There is nothing but a lack of practical knowledge which prevents each state in the Union from supplying itself with all the silk needed. There have been large crops of cocoons raised this season throughout the states of Ohio, Indiana, Kentucky and Tennessee. I have never seen a better season for raising silk in cocoons that were constructed so that the temperature could be controlled. The manufacturing of silk is keeping pace with the raising of it in the West. There will be several thousand yards of goods wove in Ohio this season and several hundred in Indiana by my old friend, Mr. Fox, who has left Mt. Pleasant and established a prosperous factory at Richmond, Ind. Besides these establishments there are large numbers of family machines in operation."

The name referred to above was John Fox, of Richmond, Wayne County, Ind., who said in reply to certain inquiries:

"I was born in London; my predecessors were weavers of the old school. I was brought up to the business young and never went out of it; was thirty-five years engaged in it at London. . . . During a period of fifteen years I had from 250 to 300 pounds of silk of every grade pass through my hands weekly. As to the raising of silk in this country, I can say: I have seen silk from Italy, France, Piedmont, etc., but the American silk is superior. Myself and two sons commenced here in Richmond last April. We have now three looms in operation—a silk velvet, a handkerchief, and a lustering for ladies' dress. We have built ourselves one twisting machine, forty-eight spindles; tramming machine, forty-eight spindles; four Piedmontese reels, with improvements."

The old town of Northampton, Mass., while one of the early centres of silk manufacture, was the first to frown on the display of silk. The local historian tells that in 1662 the young men of the town were denounced for their display of

silk stockings, and a certain young lady for "flaunting a silk in public." Hannah Lyman, the principal offender, a vivacious damsel of sixteen and a granddaughter of Richard Lyman, one of the first selectmen of the town, was a conspicuous offender against Puritan notions of propriety. This young lady, occupying a position of the highest respectability in society, appears to have possessed much independence and resolution, and when arraigned before the court was attired in the identical silk dress which had given such umbrage to sober people. This august tribunal fined her ten shillings for flaunting her silk, "not only in ordinary but in extraordinary times."

The Nonotock Silk Company had its beginning in Northampton in 1838, and took the present name in 1844; in 1865 it was incorporated with a capital of \$360,000. The first president of the company was Ira Dimock, of Hartford, who is still at the head of the corporation. The firm of Hill & Hinckley, which started about 1843 for the manufacture of sewing silk and other industrial enterprises, subsequently merged into the Nonotock Silk Company.

The large silk manufactory of Belding Bros. was established in Northampton in 1871 in a building formerly used by the Ames Manufacturing Company. The company was incorporated July 1, 1882, with a capital of \$650,000. It now has great factories in Rockville, Conn., Belding, Mich., Northampton, Mass., and California.

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER THREE

THE BRUCES IN SCOTLAND

XII

BRUSI, or ROBERT DE BRUSEE, son of Rognvald, found Orkney little to his liking. Norway, the original home of his ancestors, attracted him more and shortly he attached himself to the fortunes of the house of his maternal grandfather, going over Normandy where he established the Bruce stock. There he became eminent and powerful in the court, being councillor to Robert I., duke of Normandy, the father of William the Conqueror. He built the castle of la Brusee or Bruis, now Brix, in Normandy, which became "the cradle of the royal house of Scotland." Brusee castle or the Chateau d' Adam near Valognes in the diocese of Constance was situated on the declivity of a hill, on the top of which was the villiage of Bruis, while at the foot flowed the river Douve.

Located nearly five hundred feet above the river the castle commanded a beautiful panoramic view of the country for miles away. Long ago the buildings were demolished by the inhabitants of Bruis to build their houses, so that only the foundations with a few remnants of the walls have been left to the curiosity of later generations. The chateau had three ramparts, the foundations of which appear to have been three hundred, six hundred, and eight hundred yards from the main structure. The ditches were about forty-five feet wide and about fifteen feet deep, which showed that the Brusee castle must have been a fortress of the first order. On the whole it was a defense which only a large army could successfully invest, but it appears to have been many times besieged.



Éclaircie au Castellet, N.Y.

Vue de l'emplacement occupé autrefois par le château d'Adam.

He married Emma, daughter of Alain, Earl of Brittany.

Issue:

1. Alan or Alain de la Brusee. He married Agnes Montfort, daughter of Simon Montfort, earl of Evreux. He was Lord of Brusee castle and became head of the great Normandy family bearing his name.
2. *Robert de Brusee*, of whom below.

XIII

ROBERT DE BRUSEE, second of the name, son of Robert and Emma de Brusee, followed the standard of William, duke of Normandy, when that prince went to conquer England in 1066. With him, as appears from the roll of the knights who came over with William, were many others of the same name.¹ He had a contingent of two hundred men, the only contingent that is specifically set down in the ancient document. He seems to have been a man of distinguished character and stood high in the regard of his royal master. He shared generously in the favor and munificence of the Conqueror, from whom he received extensive estates in remuneration of his services. Some authorities say that he possessed no fewer than forty-three manors in the east and west ridings of Yorkshire and fifty-one in the north riding.²

He died about 1094.

He married Agnes, daughter of Walderne, earl of St. Clair. Walderne of Santo Claro came from Normandy with William the Conqueror. He was of the household of Richard, duke of Normandy. His son, William de Santo Claro or St. Clair, was one of the many Anglo-Norman barons who settled in Scotland in the reign of King David I. and he received from the king of Scots a grant of the barony of Roslin in Midlothian. From his fair and gracious deportment this son was called "the fair St. Clair."

1. "Role de ceux veignont in Angleterre ovesque Roy Wm. le Conquereur."

2. "Caledonia," by George Chalmers, Vol. I, p. 569; "Baronage of England" by Sir William Dugdale, Vol. I, p. 447.

Issue:

1. William de Brusee, who came into England with his father and was Lord of Brember in Sussex.
2. *Adelme de Brusee*, of whom below.
3. Hortoliana.
4. Philena, who married Wolstan, Lord of Paston.
5. Amicia, who married St. Aylmer de Tours.

XIV

ADELME or ADAM DE BRUSSE, son of Robert and Agnes de Brusee, came into England in 1050, in attendance upon Emma of Normandy, who was a daughter of Duke Richard I. of Normandy by his wife Gonnor, and became the queen of Ethelred, king of England. After the death of Queen Emma he went to Scotland, to which country he was naturally attracted by the family connection that existed through his ancestors of six and seven generations before, the earls of Orkney, Shetland, Cathanes, and Sutherland. When William the Conqueror came to England Adam de Brusee joined the army of the invader, and after the conquest he received the barony of Skelton and the lordship of Cleveland as a reward for his services. Of all the Yorkshire manors the chief was that of Skelton in Cleveland, near Whitby. This became the seat of the elder or English branch of the Bruce family.

Adam de Brusee died before the fourteenth year of the reign of William I., 1080.

He married Emma, daughter of Sir William Ramsey.

Issue:

1. *Robert de Brusee*, of whom below.
2. William de Brusee, who was the first prior of Guisburn. He died in 1155.
3. Duncan. A lord in Scotland.
4. Rosselina, who married Walter Moreville, constable of Scotland.

XV

ROBERT DE BRUSEE, third of the name, sone of Adam and Emma (Ramsey) de Brusee, was born about 1078 and was the head of the barony of Bruce and the first baron of Skelton and Annandale. He assisted Edgar, son of Malcolm Canmore, against Duncan, his base brother, who had usurped the crown.

At the instance of Pope Honorius II. he gave the church of Middleburgh and some lands to the monks of Whitby to establish a cell of the Abbey of Guisburn in Cleveland. His brother, William de Brusee, was the first prior of the abbey. He also granted the manors of Appleton and Hornby, with other lands, to the monks of St. Mary of York and he generously endowed the hospital of St. John of Jerusalem. He held by grant the lands of Strathannan or Annandale and by his first wife acquired the lands of Carleton and Camelford, and Hart and Hartnesse in the bishopric of Durham, "the maritime key of the palitinate."

The early years of Robert de Brusee were passed at the court of King Henry I. of England. At the same time Earl David of Scotland resided there and a close friendship sprang up between the two young nobles. When David came to the throne he granted to his friend, by charter, the land of Annandale, which embraced the largest part of the county of Dumfries. He had also been associated with David in military adventures, serving with him during the conquest and part of the period of his government of Cumbria, the district comprising the Lothians and Galloway that had been bestowed upon David after the death of his brother Prince Edgar.

The time came, however, when these two friends were parted. King David I., supporting the cause of Maud the Empress, his niece, declared war against King Stephen of England, and advanced with a great army to Northallerton in Yorkshire to meet the forces of the English monarch. Thurstan, the aged and infirm Archbishop of York, although he could not personally take the field against the invader, summoned the nobles of his diocese to repair to the support of the standard with all their powers.

"Amongst the rest Robert de Brusee, notwithstanding he had a very great kindness for the King of the Scots, yet with his son, Adam, a young nobleman of great worth, brought a great company with him which not only in force of arms, but in splendour and vigour of youth, much adorned the whole army."¹

1. "Æthelredus de bello standardi."

"This Robert, an old man of great wealth, slow of speech, yet who expressed himself with great readiness of words, from his youth having been a great follower of the King of Scots and very familiar with him, obtained leave from his companions in arms to pass over to David, either to persuade him to desist from his enterprise, or, as he was bound to him in fidelity and fealty, by holding the lands of Annandale and others of that King, to disoblige himself by renouncing his fealty. In his speech to David he represented to the King that the English and Normans, against whom he was arrayed, had repeatedly restored the power and authority of the Scottish monarchs when driven out by disloyal subjects, and that they were more faithful to the royal family than were the Scots themselves. He begged his friend and patron to withdraw from the contest and concluded in the following affectionate strain: 'It wrings my heart to see my dearest master, my patron, my benefactor, my friend, my companion in arms, in whose service I have grown old, thus exposed to the dangers of battle or to the dishonor of flight.'"¹

"As an old acquaintance and liegeman he was sent to the Scottish King, on his invasion of England in 1138, to offer terms of peace and it is curious to note that he was associated in this embassy with Bernard de Baliol. On the king's refusal these two barons, whose descendants were destined to be such deadly rivals, fought side by side in the battle of the Standard and were also soon after ranged under the same banners as partisans of the Scotch intruder Cumin."²

In the battle of the Standard that followed, August 22, 1138, Robert Bruce was a conspicuous figure, being in command of a large part of the army of the English king. The battle was so called from the standard that was carried on the field of combat, and about which the army was rallied. This standard was in the form of the mast of a ship, having on its top a cross whereon was the consecrated host in a silver pix, and the banners of St. Peter, St. John of Beverly, and St. Wilfred of Rippon waving below. It was erected on the beam of a great chariot and around it and upon it were the more aged of the English barons. Before the battle, Ralph, bishop of Orkney, deputed

1. "Histories of Noble British Families," by Henry Drummond.
2. "The Battle Abbey Roll" by the Duchess of Cleveland, Vol. I, p. 102.

by Archbishop Thurstan, assured the knights and the soldiers that by fighting bravely they would secure remission of their sins, and upon receiving from them expressions of contrition, he pronounced their absolution and added his benediction. At the same time the priests in their white vestments, carrying crosses and relics, went among the ranks, encouraging the soldiers by their exhortations and prayers.¹

“Where the Kings Standard being erected they all Rendevoused upon notice and exhortation from the venerable Thurstan, Archbishop of York; who had likewise caused all the Clergy or his Diocese to repair personally thither, with their Crosses, Banners, and Relicks of Saints carried before them, to defend the Church of Christ against the rage of that barbarous people. And beholding the English army formally drawn up for Battle; as also the Priests in their sacred Vestments, with their Crosses and Relicks, walking about and encouraging the soldiers; being then a very aged person, exceeding wealthy, likewise of grave deportment and singular elocution; he made a speech to them with great majesty and weight. ”²

Robert de Brusee died in 1141 and was buried in Guisburn Priory.

He married, first, Agnes Pagnel, daughter of Fulk Pagnel; second, Agnes of Annandale.

Issue:

1. Adam de Brusee, second lord of Skelton. He died in 1162. He married Ivetha or Juletha de Archis, daughter of William de Archis and widow of Roger de Hamville; she died 1167. Skelton and other English lands remained in the possession of the descendants of Adam de Brusee until 1271, when Peter Bruce, head of the house, died without male heirs.

2. *Robert de Brusee*, of whom below.

3. Agatha de Brusee. She married Ralph, son of Ribald, lord of Middleham in Yorkshire.

4. Pagan de Brusee.

1. “Histories of Noble British Families” by Henry Drummond.

2. “The Baronage of England” by William Dugdale.

XVI

ROBERT DE BRUSEE, fourth of the name, known as Robert Le Meschin, or the cadet, second son of Robert and Agnes (Pagnel) de Brusee by his second wife, Agnes of Annandale, was the second baron of Annandale. Residing in Scotland, he adhered to the cause of King David and became the head of the Scottish branch of the Bruce family. During the conflict between the Scots and the English, supposedly at the battle of the Standard, he was taken prisoner by his father and sent to England, but was pardoned by the king and returned to Annandale in the custody of his mother. He also had lands in England, for his father gave him the lordship of Hart, in the bishopric of Durham. It is probable that he was the De Brusee who gave to the monks of St. Cuthbert, the chapel of Eden, with this proviso,—

“excepting that when I or my wife or my household abide at Eden, my own chaplain shall sing mass in my own chapel in my castle and shall receive all the offerings made by myself, my family and my guests hearing the mass.”

He died between 1189 and 1191.

He married, first, Judith, daughter and co-heir of William de Lancaster, lord of Kendall, and succeeded to the possession of the lordship of Kendall. He married second, Euphemia, whose family name is not known.

Issue by wife Euphemia:

1. Robert de Brusee. He married, in 1183, Isabella, daughter of William the Lion, king of Scotland. He died before his father and without issue. His widow married Robert de Ros.

2. *William de Brusee*, of whom below.

XVII

WILLIAM DE BRUSEE, son of Robert and Euphemia de Brusee, was the third baron of Annandale. Some authorities say that he died in the tenth year of the reign of King Richard I., 1199, while others fix the date of his death in the sixteenth year of the reign of King John, 1215.

The name of his wife is not of record. He succeeded his elder brother Robert in the fief of Annandale, holding that along with the English manors of Helt and Haltwhistle.

Issue:

1. *Robert de Brusee*, of whom below.
2. William de Brusee.
3. John de Brusee.

XVIII

ROBERT DE BRUSEE or ROBERT BRUCE, sixth of the name, son of William de Brusee, was the fourth baron of Annandale and one of the great personages of his time and country. His large estates and his royal connections assured him rank among the most powerful barons of southern Scotland. He was liberal to religious institutions and confirmed to the monks of Guisburn the patronage of the churches of Annandale, first granted to them by his grandfather. When King Alexander II. went to York in 1221 he was one of the retinue of Scottish magnates or barons who accompanied the king and was a witness of the endowment that Alexander bestowed upon his wife Joanna, sister of King Henry III., of England.

He died in 1245 and his wife died in 1252. Both are buried in the abbey of Saltre, near Stilton in Huntingdonshire. Stukely, the antiquarian, visiting the place of their burial, quaintly wrote:

“when I saw the ruins of the church in which lay the bones of Robert Bruce and his wife Isabel, the progenitors of kings, I uttered many a groan.”

He married Isabel, daughter of David, earl of Huntingdon, who was the son of Prince Henry of Scotland and grandson of David I., king of Scots. The earl of Huntingdon was brother of Malcolm IV., king of Scots, and William the Lion, king of Scots. Thus the legitimate royal blood of Scotland was introduced into the Bruce family and gave the descendants of this Robert Bruce their claim to the throne. By this royal match the lords of Annandale attained to high rank among the rich-

est and most powerful noble families of Scotland and England. Through his wife (as co-heiress with her two sisters of her father's property) Bruce, exclusive of his personal estates in both kingdoms, came into possession of the manor of Whittle and Hatfield in Essex, together with half the hundred of Hatfield. She likewise brought him the castle of Kildrummie, and the lordship of Garioch in Aberdeenshire and the manors of Connington in Huntingdonshire and Exton in Rutlandshire.

Issue :

1. *Robert Bruce*, of whom below.
2. Richard Bruce, who died in 1287.

XIX

ROBERT BRUCE, the seventh of the name, son of Robert and Isabel (Huntingdon) Bruce, was born in 1210. He was called the competitor from his claim to the crown of Scotland against John Baliol. On the death of his father he became lord Annandale and when his mother died in 1251 he came into possession of her share of the earldom of Huntingdon. Thus he was a powerful subject of both kingdoms, England and Scotland. In 1250 he was a justice of the court of common pleas of King Henry III. On the death of King Alexander II. of Scotland, in 1255, he was one of the regents named to act during the minority of the young king, Alexander III. He was made sheriff of Cumberland and governor of Carlisle by King Henry III.; between 1257 and 1271 he frequently served on the English bench and in 1268 he was appointed capitalis justiciarius, being the first chief justice that England had. He sat in Parliament, and in the Barons' War was one of the supporters of the king, marching with his sovereign from Oxford to Northallerton. In the battle of Lewes, May 14, 1264, he was taken prisoner but was released after the king was victorious at Eversham in 1265.

During the lifetime of this Robert Bruce began the great struggle for the crown of Scotland that, after more than a quarter of a century of warfare, resulted in the seating of his famous grandson upon the throne. Bruce was among those who at the convention of Scone, in February, 1283-4, recognized the right of succession of Margaret, the Maid of Norway; but, on

the death of King Alexander III. in 1286, he joined the league of powerful nobles who met at Turnberry Castle and pledged themselves to vindicate the claims of whoever should gain the kingdom by right of blood, according to the ancient customs of Scotland. In the civil war that ensued Lord Annandale asserted his title to the crown against his cousin John Baliol.

As neither Bruce nor Baliol were able unaided to attain their ambitions the dispute was referred to King Edward I. of England as arbitrator. Edward, it is said, offered to decide in favor of Bruce if the latter would do homage to him. Bruce refused these conditions, saying that he preferred the honor of his country to his own personal advantage and that as his country always had been free he would maintain it so. Thereupon Edward offered the throne on the same conditions to Baliol, who accepted and was crowned in 1292. Being then advanced in years Bruce felt that he could no longer contest for his rights. He even refused to do homage to the new king, exclaiming, "I am Baliol's sovereign, not Baliol mine, and rather than consent to such homage, I resign my lands in Annandale to my son, the Earl of Carrick." He then retired to private life in the castle of Lochmaben.

He died in Lochmaben on Good Friday, in 1295. In Dugdale's *Monasticon* there is a picture of the tomb of this Robert Bruce at Gisburn. It has no recumbent figure above as was customary on tombs of that period, but five upright figures stand in niches on each side and three at the west end, the central figure being a king with his crown and sceptre, and the royal arms of Scotland on his shield and over his head the lion rampant, and the saltire and chief on different shields.

Robert Bruce married, first, in 1240, Isabel de Clare, second daughter of Gilbert de Clare, earl of Gloucester and Hereford. She was born in 1226 and was only thirteen years of age when married. She died in 1271. He married, second, Christiana, daughter of Sir William de Ireby.

Issue of Robert and Isabel (de Clare) Bruce:

1. *Robert Bruce*, of whom below.
2. William Bruce. He married Elizabeth de Sully, daughter of Raymond de Sully.

3. Bernard Bruce, who held the barony of Connington in Huntingdonshire. He married, first, Alicia de Clare; second, Constance de Morleyn.
4. Isabella Bruce, who married John Fitz Marmaduke and died in 1300.
5. Alosia Bruce, who married Sir Nigel Graham, lord of Montrose.
6. Christiana Bruce. She married Patrick Dunbar, earl of March, one of the competitors for the crown of Scotland.

XX

ROBERT BRUCE, eighth of the name, son of Robert and Isabel (de Clare) Bruce, was the first earl of Carrick. He was born in 1253. When a mere youth, in 1269, he went to the Holy Land, a companion of Prince Edward, afterwards King Edward I. of England. In 1284, as earl of Carrick, he acknowledged with other Scottish nobles the right of Margaret of Norway to the crown of Scotland. In 1292, upon the death of his wife, he resigned the earldom of Carrick to his son Robert Bruce. About the same time he was party to the agreement that his father entered into with Florence, count of Holland, another competitor, against the claims of Baliol to the crown of Scotland.

After the death of his father in 1295, he succeeded to the lordship of Annandale and was appointed governor of Carlisle, both he and his son, the earl of Carrick, swearing fealty to Edward I. as king of England and of Scotland. He sat in Parliament in 1295-97. King Edward I. restored to him the lands in Scotland that his father had given up and he accompanied the king on his expedition into Scotland against Baliol when the latter asserted his independence of England. After Baliol was overthrown at Dunbar in 1296, Bruce claimed the throne of Scotland by virtue of a promise that he asserted had been made to him by Edward. The answer of the English king, as reported by one of the chroniclers of the period, was:

“Have I nought ellys to do nowe
But wyn a Kynrik to gyve yhowe.”

Disappointed in his ambitions he retired to his estates in England and took no more interest in the affairs of the kingdom.

He died in the Holy Land in 1304 and was buried in the Abbey of Holmcultram, Cumberland.

He married in 1271, Marjory, widow of Adam de Kilconceath,

who fell in the Holy Land in 1270; she was the only daughter of Neil, earl of Carrick. She died in 1292. The circumstances attending this alliance were singular and romantic. According to the ancient historian, Fordun, as quoted by George Grant:¹

“it appears that a short time after his return from the Holy Wars, Robert Bruce was riding through the beautiful domains of Turnberry Castle, the property of the widowed Countess of Carrick, who, in consequence of the death of her husband had become a ward of the crown. The noble baron, however, cannot be accused of visiting Turnberry with any design of throwing himself in the way of the young and handsome heiress of Carrick, and indeed any such idea in those days of jealous wardship would have been dangerous in the extreme. It happened, however, that the lady herself whose ardent and impetuous temper was not much in love with the seclusion of a feudal castle, had come out to pursue her favorite diversion of the chase, accompanied by her women, huntsmen and falcons; and this gay cavalcade came suddenly upon Bruce as he slowly pursued his way through the forest, alone and unarmed.

“The knight would have spurred his horse forward and avoided the conflict, but he found himself suddenly surrounded by the attendants, and the countess herself riding up, and with gentle violence taking hold of his horse’s reins, reproached him in so sweet a tone for his want of gallantry in flying from a lady’s castle, that Bruce enamoured of her beauty, forgot the risk which he ran and suffered himself to be led away in a kind of triumph to Turnberry. He here remained fifteen days and the adventure concluded as might have been anticipated by his privately marrying the young countess, without the knowledge of the relatives of either party and before obtaining the king’s consent. Alexander the Third was indignant at this bold interference with the rights of the crown and seized her castle of Turnberry; but being a prince of great benevolence, upon the intercession of the noble baron he extended his forgiveness to Bruce, upon his paying a heavy feudal fine.”

The earldom of Carrick that the Countess Marjory held in her own right was one of the most ancient in the kingdom of Scotland. It added much to the already high distinction of the Bruce family, and the title Earl of Carrick was one of their most cherished possessions for generations.

1. “Life of Robert Bruce” by George Grant.

Issue of Robert Bruce, by his wife Marjory, Countess of Carrick:

1. *Robert Bruce*, King of Scotland, of whom below.

2. *Edward Bruce*, the younger brother of King Robert Bruce, was most famous for his incursion into Ireland where he was made king. When King Robert Bruce invaded the district of Galloway in 1308, Edward Bruce acted as commander of the forces part of the time, and led the retreat from the army of the earl of Richmond. On the banks of the river Dee he made a stand and defeated the chiefs of Galloway, making a prisoner of Donall, prince of the Isles. Finally, he brought the district of Galloway under the control of King Robert and gained possession of the town of Dundee, thus driving the English out of almost their last stronghold in Scotland. In 1313 he besieged Stirling Castle, and in 1314 he was one of the chief commanders on the glorious field of Bannockburn, leading the right column of the Scottish army.

In 1315 in a convention of the prelates, nobles, and commons of Scotland, Edward Bruce was, by ordinance, recognized as king in the event of the death of his brother Robert without male heirs. This action was a just tribute to his talent, his commanding force of character, and, as well, to his high ambition. He was a valiant, experienced, and able soldier and is said to have aspired to share the kingship with his brother. But his thoughts were turned away from the throne of Scotland by an invitation from some of the native chiefs of Ireland to go over to that island to drive out the English. The Bruce descent from the old line of Irish kings through the family of Scottish kings into which their ancestors had married, gave them something of a claim to the Irish throne and this was recognized by the chiefs who called upon him.

The Scottish army landed in Ulster in May, 1315, led by Edward Bruce, the earl of Moray, and others. The town of Carrickfergus was besieged and taken and there Bruce was crowned king of Ireland. In the campaign that ensued he encountered and defeated on many occasions the forces of the government in Ireland. John Barbour, in his rhymed history of the Bruces, says that he defeated the English in nineteen engagements. In the autumn of 1318, he projected another descent upon Leinster but in battle near Dundalk, in October of that year, he was slain and his forces put to flight. His body was quartered and his head was sent to King Edward in England. He was not married.

3. *Thomas Bruce*, who was taken prisoner by the English at Galloway in 1307 and put to death at Carlisle by order of King Edward I.

4. *Alexander Bruce*, who was taken prisoner with his brother, Thomas Bruce, and suffered a like fate.

5. *Nigel, or Niel Bruce*, who was taken prisoner by the English in 1306 and executed at Berwick.

6. *Isabel Bruce*. She married, first, Thomas Randolph of Strathdon, chamberlain of Scotland; second, the earl of Athol; third, Alexander Bruce.

7. *Mary Bruce*. She married, first, Sir Niel Campbell of Lochow; second, Alexander Frazer of Cowie, chamberlain of Scotland.

8. *Christiana Bruce*. She married, first, Gratney, earl of Mar; second, Sir Christopher Seton, who was put to death at Dumfries, in 1306, by order of King Edward I.; third, Sir Andrew Moray of Bothwell, who was governor of Scotland during the minority of King David.

9. *Matilda Bruce*. She married Hugh, earl of Ross.

10. Elizabeth Bruce. She married Sir William Dishington of Ardross in Fife.
11. Margaret Bruce. She married Sir William Carlyle of Torthorwald and Crunnington.
12. Margery Bruce. She married Sir David de Breschin.

CHAPTER FOUR

ROBERT BRUCE, KING OF SCOTLAND

XXI

ROBERT BRUCE, ninth of the name, son of Robert Bruce and his wife, Marjory of Carrick, was born July 11, 1274. His early years were passed in the court of Edward I., king of England, where he acquired the graces of society and the art of arms that afterward so well adorned him. Upon the death of his mother, in 1292, when he was just entering his eighteenth year, his father resigned to him the title of earl of Carrick. It is said that he then did homage to John Baliol, acknowledging the claim of that noble to the throne of Scotland. It is not at all certain that such homage was rendered, for in the disputes that subsequently arose between Baliol and King Edward both the young Bruce and his father were always found favoring the cause of England.

Throughout Scotland's troublous and exciting years, at the close of the thirteenth century, Bruce, most historians concede, occupied an equivocal position. Correspondence and documentary evidence show that he was first on one side and then on the other. His attitude during all the early years of his country's struggle for freedom has been much discussed and even at this late date has not been made to appear wholly satisfactory to his admirers. The testimony of early Scottish and English chroniclers is variant and untrustworthy on this point, for it was the aim of those on each side of the controversy, though with different motives, to make out that he attached himself early to the national cause. That he did so is not clear, however. In 1296, when he was twenty-two years of age, his father was governor of Carlisle by appointment of King Edward, and the son swore

fealty to that monarch. In the following year he raided the Douglas lands in the interest of Edward, and thus made himself, for the moment at least, the pronounced enemy of the man who was destined to become, a few years after, his most loyal and beloved supporter and friend.

When, however, it was disclosed that Edward intended to make Scotland wholly subservient to England, and the revolt against English dominations became general, finally assuming national proportions, the Bruce gave his support again to the Scottish cause. After Baliol and the Scots were forced to capitulate at Irvine, in July, 1297, he turned again to the standard of England. Professing loyalty to King Edward, he was required to give hostage to the English for his future faithfulness. When Wallace once more raised the standard of revolt, the Bruce was again summoned and at this critical moment he whose name was to become the greatest on the pages of Scottish history, held back.

For a time he took no active part in the new rebellion, but when King Edward invaded Scotland in 1298, he determined to stand on the side of his countrymen. It is said that he summoned the Annandale men, vassals of his father, then in the service of King Edward, and addressed them thus:

“You have already heard, without doubt, of that solemn oath, which I lately took at Carlisle, and I cannot deny the fact; but the oath was a foolish one and exacted by fear: it was my body that took the oath and not my mind; but its having been taken at all is now to me the cause of much remorse and sorrow: yet ere long I hope to be absolved from it by our Holy Father. In the meanwhile, I am resolved to go and join my fellow countrymen and assist them in their efforts to restore to its liberty the land of my nativity, for none, as you know, is an enemy of his own flesh, and as for me I love my own people. Let me beseech you then to adopt the same resolution, and to accompany me, and you shall ever be esteemed my dear friends and approved counsellors.”¹

But the men of Annandale declined to yield to these exhortations, and the Bruce had only a few vassals of Carrick to follow him to the camp of the insurgents, where, as the result of the

1. “Royal Descents” by Bernard Burke, p. 13.

stand he had taken, he and his family were forced to remain a long time in hiding. In the following year, however, the Bruce had reinstated himself in royal favor, for he was one of the three guardians of Scotland for John Baliol and also was associated with other nobles in an attack upon Lockmaben castle then held by an English garrison. From 1300 to 1305 he maintained an attitude of unquestioned loyalty to King Edward and received many favors from the hands of that monarch.

“The conduct of de Brus, at this juncture, as throughout the entire period prior to his assumption of the crown, not being understood, has excited the wonder and regret of posterity. Supple, dexterous and accommodating—now in arms for his country, and then leagued with her oppressors—now swearing fealty to the English king, and again accepting the guardianship of Scotland in the name of Baliol, it seems to require all the energy, perseverance and consummate prudence and valour of after years to redeem his character from the charges of apparent and culpable weakness. De Brus, the guardian of Scotland in the name of Baliol, says Lord Hailes, is one of those historical phenomena which are inexplicable.”¹

But, as pointed out by other historians, this conduct, upon careful examination, does not seem so inexplicable. Important interests of Bruce and of his father were in England, and they had always been loyal to King Edward. In Scotland, he felt that he had been wrongly deprived of the crown and he had no particular reason for loyalty to the rival house of Baliol, that for the moment, had been successful in pushing him aside. Wallace and Moray, who led the revolt against English misrule, had developed their movement to national proportions, but it was a movement quite as much for the advancement of the Baliols as for the freedom of Scotland. Wallace was a supporter of Baliol as were also the Comyns, rivals of the Bruce in their own right and also in that of Baliol. Although the insurrection was widespread among the masses there was lack of unity among the Scottish nobles. Some stood for their country at all hazards while others were not ready to support a cause that had for one of its main purposes the reinstatement of Baliol. Bruce, holding firmly to his right to the throne, and determined to assert his

1. “The Scottish Nation by William Anderson, Vol. I, p. 412

claim to the uttermost at the opportune time, could in reason neither support his rivals' cause nor press his own affair when the power of Baliol or of Comyn was still in the ascendancy.

Matters were finally precipitated by the murder of John Comyn, the younger, of Badenoch, February 10, 1305-6. With the renunciation of all claim to the throne by John Baliol, John Comyn, the Red, was next in line, according to the award of King Edward in 1291. The two rivals, Bruce and Comyn, met in the church of the Minorite friars in Dumfries. There they quarrelled, and Bruce, drawing his dagger, stabbed Comyn to the heart. The story is told by Lord Hailes that as Bruce emerged from the building he was met by his companions Kirkpatrick and de Lindsay who, noticing that he was agitated, asked how it was with him. "Ill," said the Bruce, "for I doubt I have slain the Comyn." "Doubt!" exclaimed Kirkpatrick, "then I'll make sure." Thereupon he rushed into the church and plunging his dagger into the body of Comyn, completed the work that Bruce had begun. In remembrance thereof the crest of the Kirkpatrick family is a hand holding a dagger, distilling drops of blood, with the motto "I make sure."

With that the die was cast. The field was clear and henceforth Bruce had no competitor for the throne. The moment was favorable too. Once more the country was aflame with patriotism for it had been made plain that King Edward was fully determined that Scotland should be simply a vassalage of England. The Scottish nobles were still divided in their allegiance, but the national idea enkindled by Wallace was stronger than ever with the people. It is doubtful if the murder of Comyn was premeditated. The deed was probably done in the heat of the moment, in passion engendered by discussion of differences between the two rivals. Nevertheless by this act, Bruce had put himself upon the defensive and he had no choice now but to stake all upon the hazard of warfare. Despite the sacrilege of violence before the altar the church was on his side, the people were ready to acclaim him, and he had friends and supporters among the nobles.

Now that the time for indecision and dalliance had passed Bruce went forward bravely, energetically, and patriotically.





Ruins of the Earl of Orkney's Palace

From that moment he never faltered. Nearly two months later, in March, 1305-6, he was crowned king of Scotland. The initial ceremonies took place at Scone, March 27. The bishop of Glasgow furnished from his own wardrobe the coronation robes and presented to the new king a banner embroidered with arms, which he had long concealed in his treasury. On the head of the monarch the bishop of St. Andrews placed a small circlet of gold, and a few prelates and barons paid homage to him as he sat on the state chair of the bishop.

A second coronation followed a few days later. This had in it an element of romance. Ever since Malcolm Canmore had ascended the throne in 1056, the earls of Fife, descendants of the celebrated M'Duff, had enjoyed the honorary distinction of crowning the Scots' kings, or, at least, of placing them on the throne on the coronation day. But Duncan, who was then earl of Fife, was on the side of the English. His sister Isabella, the wife of the earl of Buchan, was true to Scotland and in sympathy with the Bruce, and she determined that her family should not fail in its traditional service. Withdrawing secretly from her castle, unbeknown to her husband, she repaired to Scone, avowing herself a partisan of the new king and patriotically devoted to the liberties of her oppressed country. At Scone she insisted upon exercising the privileges and discharging the duties of her family, and the ceremonial was repeated on Sunday, March 29. It is said that on this occasion the determined countess carried off the war horses of her liege lord and took them with other appurtenances of war to the assistance of the Bruce.

Many there were who said that the deed of the countess was inspired quite as much by love as by patriotism and tradition. The gentle rumor was that the countess cherished a tender attachment for King Robert, although each was in the bonds of matrimony. English writers of that period were quite ready to take that view of the matter. "She was mad for the beauty of the fool who was crowned," said Matthew of Westminster, who, though, was neither unbiased nor veracious. That interpretation has been put upon her action by some modern writers. John Davidson, the Scotch poet, dwelling upon this event puts these

words into the mouth of the fair countess, as the culmination of her decision:

“Now, world, wag, wag, your tongues!
 I sacrifice my fame to make a king,
 And he will raise this nation's head again
 That lies so low; and they will honour him;
 And afterwards, perhaps, they'll honour me.
 Or if they slight me and my modest work,
 I shall be dead; I have enough to bear
 Of disrespect and slander here to-day,
 Without forecasting railing epitaphs.
 But some—nay, many of the worthiest,
 And many simple judgments too,—will see
 The sunlight on my deed. This, I make sure:
 No Scots' allegiance can be held from Bruce
 Because he was not crowned by a Macduff.
 And if I love him, what is that to him?
 That's a good saying. So is this, I make:
 If I do love him, what is that to me?”¹

For the ensuing eight years the history of Bruce and of Scotland was a history of warfare with all the accompaniments of danger, deprivation, and suffering. At the outset the castles and lands of Scotland's king were declared forfeit by King Edward and sentence of excommunication was passed upon him in St. Paul's Cathedral. With his supporters the Bruce was driven into the fastnesses of the Highlands where they led the lives of outlaws. When he started he had only about four hundred followers and was quite unable to cope with his adversaries. He was first defeated by the lord of Lorn, and at Craighrostan, on the western side of Ben Lomond, there is a cave which tradition says afforded shelter for him and his little band on this occasion. Here he spent a night surrounded by a flock of goats and was so much impressed with this companionship that he afterwards enacted a law that all goats should be exempt from grassmail or rent. Befriended by the earl of Lenox, and Angus of Isla, lord Cantire, both whom received him in their castles, he moved over to the small island of Rachrin, now Rathlin, on the northern coast of Ireland, where he and his adherents spent the first winter of their enterprise.

1. “Bruce: A Chronicle Play” by John Davidson, Act II.

Queen Elizabeth, with Bruce's daughter Marjory by his first wife, and other ladies of his family, had been sent to Kildrummie, the royal castle in Aberdeenshire, for protection, under the escort of Nigel Bruce, the king's brother, and the earl of Atholl. But Kildrummie fell into the hands of the English and the members of the royal party were captured. Nigel Bruce was executed as a traitor and Queen Elizabeth, the countess of Buchan, and the other ladies were held in confinement in various castles and convents until the end of the war. The earl of Atholl was among those apprehended. He was carried to London, where, says the chronicler Langtoft:

"being hanged on a gibbet thirty feet high, he was cut down when only half dead, that he might feel greater torments and was then cruelly beheaded. The trunk of his body was burned to ashes before his own face."

The earl was a second cousin of the king of England and for that reason his treason was considered a greater offense. Matthew of Westminster, says that Edward, although grievously sick, endured the pains of his disease with greater equanimity after hearing of the capture and execution of his disloyal kinsman. A dozen or more Scottish nobles were put to death by the remorseless Edward and there is a list of twenty-seven nobles and ladies who were imprisoned.

In the spring of 1307, Bruce came out from hiding on the isle of Arran whither he had gone from Rachrin, his first place of refuge, and with the help of the "good lord James Douglas," ever faithful, and some three hundred hungry but valiant followers, captured from the English his ancestral home Turnberry castle in Carrick. He was not able to hold the castle, however, but collected what spoils he could from the country and then withdrew to the highlands of Galloway.

During the months that immediately followed, the situation was desperate and indeed, apparently well-nigh hopeless. Douglas achieved several slight successes but nothing of real importance. Three brothers and several friends of the Bruce had perished on the gibbet. His queen and his daughter were prisoners in the hands of the English. His lands were confiscated and his supporters were deserting him. Beset by enemies who

environed him with superior forces he wandered, a homeless outlaw, with few friends and unable even to rouse the vassals of his family to unite for his protection. To this period the romantic and marvellous stories of his exploits that have passed into history principally pertain. Most of them had origin in the metrical work of Barbour and while some are apocryphal, others were undoubtedly true or at least had some foundation in fact.

Hard pressed by his foes, the throneless king had numerous adventures and many narrow escapes from death or capture. He was tracked by bloodhounds; he was followed by hired assassins; he was lured into traps that were set for him, and only his bravery and skill brought him safely through. He always carried a two-handed sword or a ponderous battle-axe and the chronicles of the period abound in stories of his power in wielding that weapon.

Barbour tells that on one occasion he was surprised by a body of his enemies to the number of more than two hundred when he had only sixty soldiers with him. Placing his men in a secure place, he stood forth alone at a narrow pass to hold the attacking force at bay until help that he had sent for should arrive. On the first assault he slew five of the enemy, whose dead bodies became a rampart of defence against the rest. Dismayed by the fate of their companions, the assailants drew back a little but regaining courage they returned to the onslaught urging each other on. Brandishing his great sword, Bruce stood bravely to the work. As only a single man at a time could approach, so narrow was the pass, he slew them one by one as they came within reach of his sword. When the rescuing party that he had sent for arrived and the English troop in the face of superior forces fled, it was found that fourteen had fallen victims of the prowess of the Bruce.

Such stories as this were heralded far and wide throughout Scotland, and gradually a popular enthusiasm developed for the king, bringing to him more support from the nobles as well as from the common people, and more subsistence and munitions of war. His affairs began to take on a more promising outlook and his hopes heightened. Venturing into the low countries,

he reduced the districts of Kyle, Carrick, and Cunningham, won the small victory at Glentool, and then defeated the earl of Pembroke at Loudon Hill. That was the final turning point of his career and when three days after he encountered Ralph Monthermer, the earl of Gloucester, and overthrew him with great slaughter, the patriotic enthusiasm of the Scots broke all bounds and from every quarter they flocked to the national standard.

From this time on, the Bruce's career was one of almost uninterrupted success. King Edward died in July, 1307, and although his son Edward II. continued the fighting it was to little avail. Bruce swept through Scotland, captured English strongholds, and invaded England, laying waste to the northern districts and exacting heavy tribute. In February, 1309, the clergy of Scotland in a provincial council at Dundee, issued a declaration that the Scottish nation had chosen Robert Bruce for their king and that they willingly did homage to him as sovereign.

By the end of the year 1312, nearly all the fortresses in the kingdom had been retaken from the English. The only important one held by the enemy was the castle of Stirling, defended by Sir Philip Mowbray. Edward Bruce lay siege to this fortress in the autumn of 1313, and King Edward with an army that has been estimated to number one hundred thousand men went to the rescue. To oppose this force, King Robert Bruce had only about thirty thousand men, but in the ensuing combat—the battle of Bannockburn, June 24, 1314,—he defeated the English army which fled from the field in a disorderly rout while King Edward barely escaped capture.

Even then the English king refused to consider his cause lost. For fourteen years longer he continued hostilities. But he was steadily beaten all along the line in military operations; when he attempted to invade Scotland, his efforts resulted in failure; he could not prevent the armies of the Bruce from invading northern England, laying waste to the country along the border and carrying away great stores of plunder; his attempt to win through the intervention of Pope John was also a failure, for the Bruce would listen to no papal envoys who did not come with full recognition of him as king of Scotland. Edward II. abdicated in 1327, and was succeeded by his son King Edward III.,

a boy of fifteen. Negotiations had been under consideration for several years, during a truce between the two sovereigns, and now peace was concluded formally and ratified at Northampton, March 4, 1328.

It was an instance of the irony of fate that the Bruce did not live to enjoy the fruits of the victory that he had fought to secure for himself and his beloved Scotland. He had achieved liberty, independence, and peace for his country and, looking into the future, he now endeavored to make assurance doubly sure by betrothing his son and heir to the throne to Joanna, a sister of the king of England. Little more remained for him to do. The hardships and sufferings that he had endured had reduced his once strong constitution and he became afflicted with disease. He spent the last two years of his life in comparative seclusion in a castle that he had built at Cardross on the northern shore of the firth of the Clyde. There he devoted his time principally to the building of ships and to aquatic and fishing excursions, hawking and other sports. He was not able to attend the wedding of Prince David to the Princess Joanna at Berwick, in July, 1328, being represented there by the earl Douglas and the earl Moray; the bridegroom on that occasion was only four years old and the bride but six. King Robert lingered for a year longer, dying June 7, 1329, in the fifty-fifth year of his age and the twenty-third year of his reign. He was buried in the church at Dunfermline beside his wife who had died in 1327.

When he was on his deathbed, he gave directions that his heart should be removed from his body after death and taken to the holy land and then be brought back and buried in the new church of Melrose Abbey. Froissart tells the story of this deathbed scene:¹

“Then calling to his side the gentle knight Sir James of Douglas he thus addressed him before all the lords: ‘Sir James, my dear friend, you know well that I have had much ado in my days to uphold and sustain the right of this realm, and when I had most difficulty, I made a solemn vow, which as yet, I have

1. “Chronicles of England, France, Spain, and adjoining Countries,” by Jean Froissart.

not accomplished, for which I am right sorry. That vow was, that if it was granted me to achieve and make an end of all my wars and so bring this realm to peace, I would go forth and war with the enemies of Christ, the adversaries of our holy Christian faith. To this purpose, my heart has ever intended. But our Lord would not consent thereto; for I have had so much to do in my life, and now in my last enterprise, I have been smitten with such sickness that I cannot escape. Seeing, therefore, that my body cannot go to achieve what my heart desires, I will send my heart instead of my body, to accomplish my vow. And because I know not in all my realm a knight more valiant than you, or better able to accomplish my vow in my stead, therefore I require you my own dear special friend, for your love to me and to acquit my soul against my Lord God, that you undertake this journey. I confide so thoroughly in your nobleness and truth, that I doubt not what you take in hand you will achieve; and if my desires be carried out as I shall explain to you, I shall depart in peace and quiet. I wish as soon as I be dead that my heart be taken out of my body and embalmed, and that, taking as much of my treasure as you think necessary for yourself and the company suitable to your rank which shall go with you on the enterprise, you convey my heart to the holy sepulchre where our Lord lay and present it there, seeing my body cannot go thither. And wherever you come, let it be known that you carry with you the heart of King Robert of Scotland, at his own instance and desire, to be presented at the holy sepulchre.'

"Douglas accepted this trust on his honor as a true knight and the King added: 'Then I thank you, for now I shall die in greater ease of mind, seeing I know that the most worthy and sufficient knight in my realm shall achieve for me that which I could not myself perform.'"

In fulfillment of his promise to his royal master and friend, Douglas started for the Holy Land in the spring of 1330. He was accompanied by several other knights, many squires, and a large retinue. He carried the heart of the Bruce in a silver casket. He sailed for Spain first and there engaged to take part in the holy war that Alfonso XI., king of Castile, was waging against Osmyn, the Moorish prince of Granada. In battle near Theba, on the frontier of Andalusia, he was killed as he impetuously led the onslaught against the Moors. His body was recovered and taken back to Scotland to be entombed. The silver casket was also recovered and the heart of the Bruce was

interred in Melrose Abbey without ever having been laid at the holy sepulchre in Jerusalem.

No name has been more deeply graven upon the hearts of the Scottish people than that of Robert Bruce. His achievement in establishing the independence of his native land made him a great figure, and his knightly character won for him the undying affection of his countrymen. Romance has blossomed into full flower in the story of his life while fact and imagination have closely intermingled as his deeds have been rehearsed. Upon the national life of Scotland he exercised a profound and enduring influence. He changed the history of England as well as the history of Scotland, and made possible the one great nation where two warring peoples had before existed. In tradition, folk lore, and poetry, the inspiration of his deeds and the loving loyalty that has encompassed his memory have enriched the literature of the English tongue. The estimation in which he is held in the enthusiasm and affection of his countrymen is well expressed by the spirited lines of the poet Cunningham:

“De Bruce! De Bruce!—with that proud call,
Thy glens, sweet Galloway,
Grow bright with helm, and axe, and glaive.
And plumes in close array;
The English shafts are loosed, and see,
They fall like winter sleet;
The southern nobles urge their steeds,
Earth shudders 'neath their feet.
Flow gently on, thou gentle Orr,
Down to old Solway's flood;
The ruddy tide that strains thy streams
Is England's richest blood.

Flow gently onwards, gentle Orr
Along thy greenwood banks;
King Robert raised his martial cry,
And broke the English ranks.
Black Douglas smiled and wiped his blade,
He and the gallant Graeme;
And, as the lightning from the cloud,
Here fiery Randolph came;
And stubborn Maxwell too was here,
Who spared nor strength nor steel;

With him who wón the winged spur
Which gleams on Johnstone's heel.

De Bruce! De Bruce!—on Dee's wild banks,
And on Orr's silver side,
Far other sounds are echoing now
Than war-shouts answering wide;
The reaper's horn rings merrily now;
Beneath the golden grain,
The sickle shines, and maiden's songs
Glad all the glens again.
But minstrel mirth and homely joy,
And heavenly libertie—
De Bruce! De Bruce! we owe them all
To thy good sword and thee.

Lord of the mighty heart and mind
And theme of many a song!
Brave, mild, and meek, and merciful
I see thee bound along—
Thy helmet plume is seen afar,
That never bore a stain;
Thy mighty sword is flashing high,
Which never fell in vain.
Shout, Scotland, shout—till Carlisle wall
Gives back the sound agen,—
De Bruce! De Bruce!—less than a god
But noblest of all men."

Nor can we forget that he was the inspiration of Robert Burns' immortal verse, the Scottish national song:

"Scots, wha hae wi' Wallace bled,
Scots, wham Bruce has aften led,
Welcome to your gory bed,
Or to victorie."

It was Thomas Carlyle, who pronounced this "the best war ode that was ever written by any pen."

Of the personal appearance of King Robert Bruce we have little knowledge. It is not known that his portrait was painted during his lifetime. That he was a man of large stature and great strength is indicated by the stories of his prowess which, even though they may have been somewhat exaggerated to suit

the author of the book, who has been substantially
 and in a very high degree, a writer of the
 most distinguished order. The book is a masterpiece of
 style and of substance, and it is a masterpiece of
 the art of writing. The author has been able to
 do this, and he has done it in a way which is
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the popular idea of the hero, were without doubt substantially based on fact. No man of small stature or of ordinary strength could have handled the broad sword as he is reported to have done, and the suffering and privation that he underwent must have worn out a man of ordinary physique long before middle age. The only description of him that has been left is the following from an ancient work:¹

“His figure was graceful and athletic, with broad shoulders; his features were handsome; he had the yellow hair of the northern race, with blue and sparkling eyes. His intellect was quick, and he had the gift of fluent speech in the vernacular, delightful to listen to.”

At Taymouth, the ancestral seat of the earls of Breadalbane, descendants of Sir John Campbell and of the Bruce line, there is a portrait of the Bruce painted by George Jamieson, the Scottish painter of 1586-1644. Naturally, it is a work of imagination but the artist could have been guided by traditions and descriptions that had been handed down to his time. The work is a bust portrait of a man clad in armor with a close-fitting cap on his head. The face is mild-featured and the eyes strikingly clear and penetrating. A flowing moustache half conceals the lines of the mouth and a long heavy beard falls upon the breast. In the left hand is held a battle axe upright. A round frame holds the canvass and on this is the inscription “ANNO DOM. MCCCVI. ROBERTUS I REX SCOTORUM.”

Robert Bruce married, first, Isabel of Mar, daughter of Donald, the tenth earl of Mar; second, Elizabeth Aylmer de Burgh, daughter of Richard de Burgh, the second earl of Ulster.

Issue:

1. Marjory Bruce. She married Walter, high steward of Scotland, earl of Renfrew, and became ancestress of the royal house of Stewart of Scotland and England.

2. David Bruce. Born in 1324, he succeeded to the throne as David II. on the death of his father when he was only five years of age. With his child consort Joanna, he was crowned at Scone in 1331. The reign of the baby king did not open auspiciously. Edward Baliol, son of John Baliol, the former king, had been exiled in France for many years but now saw his opportunity. In 1332, three years after the death of King Robert, he came secretly to Scotland by way of England, raised

1. “*Historia Majoris Britanniae*.”



RUINS OF GISBURN PRIORY

an army, and defeated the Scots on the muir of Dupplin on August 11 of that year. He was crowned at Scone a month later and young King David and his bride were sent over to France for security. For more than a decade, Baliol and his supporters, English and Scottish nobles, contended for mastery of the country. In 1341, King David and Queen Joanna were brought back from France but in battle near Durham in October, 1346, he was captured by the English and taken to London where for eleven years he was held in captivity. During this time the affairs of Scotland were managed by the regents and patriotic nobles until finally in 1357 Edward of England abandoned further attempts to conquer the northern country, entered upon terms of peace by the treaty of Berwick and set King David free. For fourteen years he wore the crown, but his reign was not brilliant. He died in Edinburgh Castle, February 22, 1371. He married, first, Joanna, daughter of King Edward II. of England. She died in 1362. He married, second, Margaret Logie, widow of Sir John Logie, a Scottish gentlewoman of great beauty. He left no issue.

3. Margaret, or Jane, Bruce. She married, first, Robert Glen; second, William, earl of Sutherland.

4. Matildis Bruce, who married Thomas Isaac.

5. *Robert Bruce*, of whom hereafter.

6. Elizabeth Bruce, who married Sir Walter Oliphant of Aberdalgy.

7. John Bruce, who died in infancy.

8. Walter Bruce of Odiston on the Clyde.

9. Nigel Bruce who was killed at the battle of Durham.

WAR QUESTIONS IN WISCONSIN

BY F. C. WINKLER

(Continued from the January Number)

IN 1859 the legislature passed and the governor of the state approved a joint resolution, which, to show the spirit of the times, is here inserted in full.

“Whereas, the supreme court of the United States has assumed appellate jurisdiction in the matter of the petition of Sherman M. Booth for a writ of habeas corpus, presented and prosecuted to final judgment in the supreme court of this state, and has, without process, or any of the forms recognized by law, assumed the power to reverse that judgment in a matter involving the personal liberty of the citizen, asserted by and adjudged to him by the regular course of judicial proceedings upon the great writ of liberty secured to the people of each state by the constitution of the United States:

“And whereas, such assumption of power and authority by the supreme court of the United States, to become the final arbiter of the liberty of the citizen, and to override and nullify the judgments of the state court’s declaration thereof, is in direct conflict with that provision of the constitution of the United States which secures to the people the benefits of the writ of habeas corpus; therefore,

“Resolved, the senate concurring, that we regard the action of the supreme court of the United States, in assuming jurisdiction in the case before mentioned, as an arbitrary act of power, unauthorized by the constitution, and virtually superseding the benefit of the writ of habeas corpus, and prostrating the rights and liberties of the people at the foot of unlimited power.

“Resolved, That this assumption of jurisdiction by the federal judiciary, in the said case, and without process, is an act of undelegated power, and therefore without authority, void, and of no force.

“Resolved, That the government formed by the constitution of the United States was not made the exclusive or final judge of the extent of the powers delegated to itself; but that, as in all

other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

“Resolved, That the principle and construction contended for by the party which now rules in the councils of the nation, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the government, and not the constitution, would be the measure of their powers; that the several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a positive defiance of those sovereignties, of all unauthorized acts done or attempted to be done under color of that instrument, is the rightful remedy.”

The action of the supreme court, thus virulently denounced, was had in pursuance of an act of Congress passed during the first administration of President Washington, and approved by him. The resolution must, of course, be classed as *brutum fulmen*, and was probably so regarded by many who gave their votes in its support. But it illustrates how little respect was entertained for and accorded to the government of the United States in the days before the war.

The breaking out of the war in 1861 brought new and often very important questions both to the federal and to state courts. Probably no war in human history has, in all its phases, been so largely adjudicated upon in courts of justice as this civil war. The time was when the very question of whether it was a war or not was disputed in judicial forums; and this question was not finally set at rest until the decision of the celebrated Prize Cases by the supreme court of the United States in 1863. (2 Black, 635.) The interesting topic of the federal war decisions is however outside the scope of this paper.

The first two war cases which came to the supreme court of Wisconsin presented questions of the validity of enlistments of minors. Both cases turned upon the construction of statute law. The enlistment of a young man over eighteen years was held valid, while one of a boy less than seventeen, without the consent of parent or guardian and with knowledge of his age on the part of the recruiting officer, was adjudged illegal. In *re Gregg*, 15 Wis., 479; In *re Higgin*, 16 Wis., 351.

The next case presented a question of the highest importance under the constitution of the United States. It was, whether the writ of habeas corpus can be suspended by the act of the President of the United States. Here was a question of the liberty of the citizen on the one hand, of the power of the government on the other.

The writ of habeas corpus is the recognized means by which one imprisoned, or in any manner deprived of his liberty, may bring the question of the lawfulness of the restraint before a judicial tribunal. Generally speaking, this right should never be denied him. But there may be extraordinary exigencies when considerations of public safety override every private right, and when even a judicial inquiry into the lawfulness of an imprisonment cannot be permitted. All this is recognized by the constitution of the United States in the following provision found in section 9 of article I: "The privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it."

But the question remains, what authority, under the government of the United States, shall determine when and under what circumstances, in case of rebellion or invasion, the public safety requires the suspension of the writ. The general subject of article I of the constitution is legislative. Can any but the legislative power suspend the writ? This was the important point of the Kemp case.

The question was not new. It had arisen almost immediately on the opening of hostilities and had been the subject of a decision by the chief justice of the United States and of much public discussion. In April, 1861, when violent resistance had been offered to the passage of union troops from Philadelphia to Washington, President Lincoln issued a military order, among other things, suspending the writ of habeas corpus along the route of travel through the state of Maryland, which bodies of soldiers hastening to Washington were obliged to take. A month later, one John Merriman, who was enlisting recruits for the Confederate army in the city of Baltimore, was arrested by the military authorities and lodged in Fort McHenry. A writ of habeas corpus was issued to General Cadwalader, then in command, by Chief Justice Taney.

General Cadwalader made return, stating the treasonable action of Merriman on account of which he had been arrested and was detained, but declined to produce his person, claiming suspension of the writ under the order of the President. The chief justice issued an ineffectual attachment against General Cadwalader and wrote an elaborate opinion, holding that the President had no authority to suspend the writ, and that in the absence of action by Congress to that effect, disobedience to the writ, under any circumstances, was an unjustifiable infraction of the constitution and the laws of the United States. This led at once to much heated discussion. Mr. Bates, the attorney general of the United States, in an official letter to the President, took the extremely opposite view, holding that the President had the right to suspend the writ in all cases of arrest made by his authority, when, in case of rebellion, the public safety, in his opinion, required it. The administration acted on the advice of the attorney general, and the President, from time to time made orders for the suspension of the writ applying to different places and circumstances.

In the fall of 1862 the question came up in the state of Wisconsin. There had been forcible resistance to the execution of the conscription law in the county of Ozaukee. A number of persons, among them Nicholas Kemp, were arrested by the military authorities and confined at Camp Randall. A writ of habeas corpus was issued by the supreme court of Wisconsin to Brigadier-General Elliot, commanding the department of the northwest, calling upon him to produce their persons and his warrant for their detention before the court. General Elliot made return, stating the ground of the arrests, claiming a suspension of the writ of habeas corpus under general orders No. 141 issued by the President the 24th of September, 1862, and declining to release the prisoners from military custody. The question of the jurisdiction of the state court to enquire into the lawfulness of an arrest, when the latter is claimed under federal authority, which, as we have seen, was, at a later period, raised and decided in *re Tarble*, was not raised in this case. It turned wholly upon the right of the President to suspend the writ.

The order of the President, referred to, contained the following provisions:

“First: That during the existing insurrection, and as a necessary measure of suppressing the same, all rebels, and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by court martial or military commissions.

“Second: That the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be imprisoned in any fort, camp, arsenal, military prison, or other place of confinement, by any military authority or by sentence of any court martial or military commission.”

The court approached the case with all the care which the question involved demanded. Each of the three judges delivered a separate opinion. It was unanimously decided that the suspension of the writ under section 9 of article I of the constitution was a legislative, not an executive, act; and that it required an act of Congress to give it validity.

A distinction, which is not alluded to, and does not seem to have been recognized, in the decision of Chief Justice Taney in the *Merriman* case, was insisted upon with much force and clearness, between a general suspension, a *de jure* suspension it might be called, of the privilege of the writ, and a *de facto* suspension which necessarily takes place on the actual theater of war and its immediate surroundings, where martial law is declared and rules the hour, with which civil tribunals may not interfere. In the latter case it was admitted that disregard of the writ by a military officer under the authority of the commander in chief of the armies would be justified. But in this case the arrest took place at a great distance from the actual theater of war, in a state where martial law did not exist, where martial law had not superseded the civil authorities, and the judges were unanimous in the opinion that in such a case a suspension of the writ can only be effected by an act of Congress.

Coming from a court of unquestionable loyalty, as well as recognized ability, the decision could not fail to produce a great effect upon the country. It contributed very largely in inducing Congress at its next session to pass an act for the suspension of the writ. In *re Kemp*, 16 Wis., 359.

At the same term of court a question deeply affecting the reinforcement of the armies at the front came before the supreme court. A draft to fill quotas had been made. The drafted men were in camp. Application was made for a habeas corpus for their release. It was claimed that the draft was "without color of legal authority under any statute or law of this state or of the United States, and altogether arbitrary and unlawful." The case arose before the "enrollment law", being "an act for the enrolling and calling out of the national forces," approved March 3, 1863, had been enacted by Congress; and the question was, whether the then existing laws, which left the enrolling of the militia and enforcing a draft very largely to rules and regulations to be established by the President, were constitutional and sufficient to authorize the draft. By its decision the court unanimously sustained the constitutionality of the law and the validity of the rules and regulations established by the President under it. In *re Griner*, 16 Wis., 423.

In another case heard at the same term of court, the question was, whether an alien, resident in the state of Wisconsin, who had declared his intention to become a citizen of the United States, who was a qualified elector under the laws of the state and who had exercised his right of suffrage, being drafted, could claim exemption from military duty by reason of his alienage. The supreme court held that he could not; that although not a citizen of the United States, he must be regarded as a citizen of the state of Wisconsin, and that while entitled to enjoy its benefits he could not escape the burdens of such citizenship. In *re Wehlitz*, 16 Wis., 448.

It seems like a parody that in a later case, the same court was compelled to decide that while the resident alien, who had simply declared his intention to become a citizen of the United States was entitled to vote and had voted, was subject to draft, yet his son, who had been brought here in infancy and lived here

ever since and had voted, could not be drafted. The reason was clear. While he had voted, he was not entitled to vote. His votes were illegal. For this he might have been punished; but under our laws he was an alien and exempt from the duties of citizenship. The case strongly illustrates the crudeness of our naturalization laws. In *re Conway*, 17 Wis., 527.

The case of *Richard Oliver*, 17 Wis., 681, brings us back once more to the question of habeas corpus. Young Oliver, in whose behalf a petition had been presented, had been enlisted in the army. He was less than eighteen years of age. The merits of the application came strictly within the case of *Higgins*, already referred to. But in the meantime the act of Congress, approved March 3d, 1863, authorizing the President of the United States to suspend the writ of habeas corpus, had been passed, and the President, in pursuance of its provisions, had issued his proclamation, dated September 15th, 1863, suspending the privilege of the writ in cases where persons were held under the command of the government as prisoners or as soldiers. It was contended that the act and the proclamation under it were invalid. The argument was, that the suspension of the writ could only be accomplished by a direct act of Congress; that the act in question did not of itself suspend it, but sought to delegate the power of suspension to the President. Mr. Justice Paine, in delivering the opinion of the court, admitted that the wording of the act afforded room for criticism, but concluded that in substance the act itself suspended the privilege of the writ, leaving it to the President to say in what cases the suspension should be insisted on. With this interpretation the act and proclamation were sustained and the writ was refused.

The question of the constitutionality of the act of Congress, making treasury notes of the United States a legal tender in the payment of debts, came before our supreme court at an early date. It was held at the January term of 1864, that the act was valid and applied to pre-existing, as well as subsequently contracted debts. In making this decision our supreme court followed the supreme court and the court of appeals of the state of New York. *Breitenbach vs. Turner*, 18 Wis., 140.

The case of *Brodhead vs. The City of Milwaukee*, 19 Wis.,

624, brought a very interesting question before the supreme court. It was as to the constitutionality of an act of the legislature authorizing cities, villages and towns to raise money by taxation for the purpose of paying bounties to volunteers who had enlisted or should enlist so as to fill the quotas assigned to the respective localities under calls by the President for troops. Does the power of municipal taxation extend to such a purpose? That was the chief question involved, although there were minor ones also upon particular features of the law in question. The court sustained the act, and held the tax which had been levied under it valid.

The Ozaukee county draft riots, referred to in the Kemp case, were destined once more to command the attention of our courts. It will be remembered that in the Kemp case it was decided that the suspension of the writ of habeas corpus claimed was illegal. It was also decided that the detention of Kemp as a prisoner in Camp Randall was illegal. The arrests had been made in 1862. The execution of the draft, under the then existing laws, was under the direction of the governor of the state. The honorable Edward Salomon was then governor. After his term of office had expired, John Druecker, one of the prisoners, brought suit against him in the circuit court of Milwaukee county for damages for an unlawful arrest and false imprisonment. It was a test case. The arrests had been quite numerous and if the suit had been successful many others would have followed in its wake. The case came to trial at Milwaukee before the Honorable Arthur MacArthur,¹ circuit judge, and a jury, in October, 1865. The full extent of the riot or insurrection against the enforcement of the laws for the recruitment of our armies, as it was claimed to be, and the necessity of resorting to military force for its suppression, were here first given in evidence. The arrest had been made on the 13th of November, 1862, and it appeared that after being detained for twelve days the plaintiff

1. Judge McArthur, before whom the case of Drucken vs. Solomon was tried, afterward became one of the judges of the supreme court of the District of Columbia, holding that position with distinction for many years, until the end of his life. He published a series of reports of decisions of the supreme court, known as "McArthur's Reports." He was also the author of "A History of the English Language." He was the father of Lieutenant-General Arthur McArthur, U. S. A.

was delivered to the United States military commander, and that the governor had no control over him after that time. At the end of a long and patient trial, Judge MacArthur, in dignified and manly language, taking the form of a charge to the jury, gave his opinion that the plaintiff could not recover. A few extracts from this able opinion may be read with interest.

"When riot is to be subdued," said the learned judge, "the only means at once lawful and imperative, seem in times of quiet unusual and severe. Authority has but one virtue, and that is the promptness and decision with which responsibility is assumed. In such a crisis there is no time to hunt for precedents. Hesitation is synonymous with anarchy. Action is demanded to prevent threatened ruin and bloodshed. So that the appropriate remedies for such an evil belong to that violent class which inflame the system in order to eradicate the disease. Coercion is neither optional nor avoidable. It is the only resource of legitimate authority, and the faithful executive who under such trying and overwhelming necessities is influenced only by considerations of public duty, cannot be followed by vexatious litigation for error of judgment. I have listened with emotion to the impressive and eloquent observations of the distinguished counsel for the plaintiffs (the late Honorable Harlow S. Orton) on the danger of irresponsible power and on the necessity of protecting the citizen from its oppressions. These sentiments are part of our education and habits, and as we are almost the only instance of a powerful government with a well-defined bill of personal liberty, of all others we should be the most anxious to preserve it; and it is gratifying that animated addresses on this subject are always vindicated by the most popular favor and affection of the people. We should not, however, forget that public right and liberty are just as sacred as that claimed for the individual, and when these are threatened with tumult and violence, the magistrate who averts the evil is a public benefactor, and conserves all rights, both of the state and of the citizen, and liberty and law are preserved for the benefit of all alike."

He then points out that in conformity with the act of Congress known as the conscription act of 1862, which, as we have seen, our supreme court had held valid in the Griner case, the President had conferred the duty of enforcing the conscription under it upon the governor of the state, that actual and threatened violence and armed resistance had justified a resort to mil-

itary interference, that the arrests and imprisonments in question were made in overcoming the resistance and enforcing the law by military force, and held that for acts thus done in the discharge of duty without malice to the plaintiff, the governor could not be held liable in an action for damages. The case was taken to the supreme court by appeal, and is reported in 21 Wis., 621. The decision of Judge MacArthur was there unanimously affirmed in an elaborate opinion delivered by Mr. Justice Downer.

An interesting case came before our supreme court long after the close of the war involving the question of the suspension of the statutes of limitations in favor of residents of the states in rebellion. The plaintiff was a resident of New Orleans during the war. In 1873 he brought an action of ejectment for an interest in lands in Wisconsin. A plea of ten years' adverse possession under color of title was sought to be avoided by disability to sue growing out of the state of war. The plaintiff claimed that his disability continued until August 20th, 1866, when the complete suppression of the rebellion and restoration of peace was declared by proclamation issued by President Johnson. It had been so decided in favor of a resident of New Orleans by the supreme court of Indiana. *Perkins vs. Rogers*, 35 Ind., 124.

On the other hand, it was contended that under President Lincoln's proclamation of non-intercourse issued the 13th of July, 1861, which declared certain states, including Louisiana, in insurrection, but in terms excepted from its effect those parts of such states which might be "from time to time occupied and controlled by the forces of the United States," the occupation of the city of New Orleans by General Butler, which became complete on the 6th of May, 1862, removed every disability, or at least, that the further proclamation of the President, dated April 2d, 1863, which expressly excepted the port of New Orleans from the territory in which commerce and intercourse were interdicted, had that effect.

The court in an opinion by Mr. Justice Cole sustained the latter view. *Ahnert vs. Zann*, 40 Wis., 622.

Several other decisions will be noticed in connection with legislation relating to the war.

The legislature of 1861 held its first session amid the rumblings of coming war. By joint resolution, approved January 21st, 1861, it pledged the state to the support of the Union and tendered to the President of the United States "whatever aid in men and money" might be required "to enable him to enforce the laws and uphold the authority of the federal government."

By another joint resolution, approved February 1st, 1861, the legislature endorsed the report of representatives Tappan, of New Hampshire, and Washburne, of Wisconsin, a minority of the congressional committee of thirty-three, to the effect that it be

"Resolved, That the provisions of the constitution are ample for the preservation of the Union and the protection of the material interests of the country; that it needs to be obeyed rather than amended; and that extrication from the present difficulties should be looked for in efforts to protect and preserve the public property and the enforcement of the laws, rather than in new guarantees for particular interests, and concessions to unreasonable demands."

A joint resolution of March 12th, 1861, recognized in the inaugural address of Abraham Lincoln "the words of the true patriot and the sagacious statesman," and pledged "the faith of the people of Wisconsin to aid the President of the United States in carrying out the principles indicated in his inaugural address to the fullest extent, putting into the scale, if need be, 'our lives, our fortunes and our sacred honor.'"

An act was passed and approved April 13th, 1861, that in case a call should be made by the President of the United States upon this state for aid in maintaining the Union and the supremacy of the laws, or to suppress rebellion or insurrection, the governor should "take such measures as in his judgment shall provide in the speediest and most efficient manner for responding to such call," and to that end accept the services of volunteers and supply them with uniforms and necessary equipments, and appropriating one hundred thousand dollars for the purposes of the act. (Chap. 239.)

The legislature, in both branches, had resolved that no business should be done after three o'clock of the 13th of April, and



Long Avenue.

GREENLY.

WISCONSIN.

that final adjournment should take place on the 15th. In the meantime Fort Sumter was assailed and surrendered. This induced the continuance of the session for two days during which the act just referred to was amended by increasing the appropriation from one to two hundred thousand dollars, and also appropriating twenty-five hundred dollars to the governor of the state for his contingent expenses as commander-in-chief. (Chap. 307.)

An act was also passed directing the bank comptroller "for the purpose of sustaining the credit of the banks of the state of Wisconsin, and protecting the people who hold the circulating notes thereof, from the unnecessary loss which would be occasioned by the sacrifice of the state stocks held in trust for the redemption of such circulating notes, in the present unsettled state of national affairs," to suspend all action under existing laws for the sale of securities pledged for the payment of bank notes until the first of December, 1861, and prohibiting notaries public, under severe penalty, from protesting any notes of Wisconsin banks for non-payment prior to that date. (Chap. 308.)

Chapter 309, amended by chapter 7 of the special session, exempted all persons entering the military service, during such service, from all civil process, and required all courts to suspend proceedings in any action against such a person until it should be made to appear that he was no longer in the military service.

This done, the legislature adjourned. But the state of the country became rapidly more alarming and on the 15th of May it met again, under the call of the governor, in extra session. This session was devoted exclusively to war measures, the most important of which will be briefly noted.

By chapter 2, counties, towns, cities and villages were authorized to expend money and to levy taxes to provide for the support of families of volunteers who needed such assistance.

Chapter 4 provided for raising and organizing not to exceed six regiments of infantry, including three already called into service of the United States; and that in case all six should be called, two additional regiments should be raised as a reserve, and that as often as a call should be made by the general govern-

ment, the governor should be authorized to accept the services of volunteers to the extent of two regiments in addition to the call, so that a reserve force should be constantly ready. The term of service was to be three years. The details of enlistment, organization, drill and instruction, the purchase and distribution of military stores and supplies were all provided for. The act made an appropriation of one million dollars.

Chapter 5 sharply prohibited the rendering of aid to the rebellion and directed the seizure of arms and munitions of war intended for rebel use that might be found in the state.

Chapter 6 provided for the procurement, by purchase if necessary, of arms and accoutrements, appropriating fifty thousand dollars.

Chapter 8 added five dollars per month to the pay of enlisted men having families dependent upon them for support.

Chapter 13, the final act, authorized the governor, treasurer and secretary of state to issue bonds and borrow money for the purposes of a war fund to an amount not exceeding one million dollars. All the other acts depended for their practical utility largely upon this. The public credit did not then run high and it was clear that the sale of the bonds would be an impossibility if any doubt of their validity was suffered to remain.

The money was wanted to aid in the suppression of the rebellion,—the rebellion of the southern states against the federal government. There was no invasion, insurrection or war within the borders of the state of Wisconsin. The loans could be contracted only under section 7, article VIII, of the constitution of the state, which authorized the borrowing of money “to repel invasion, suppress insurrection or defend the state in time of war.” There was an obvious question, therefore, whether the insurrection of the southern states brought the situation within the purview of this constitutional provision.

Under these circumstances, the governor appealed to the judges of the supreme court to give him their public opinion of the constitutionality and validity of the law. It was doubtless irregular, and under ordinary circumstances improper, that the judges should give an extra-judicial opinion upon a question which might come before them for adjudication. But the exi-

gency of the crisis was supreme, and the judges addressed the following letter to the governor:

“STATE OF WISCONSIN, SUPREME COURT,
“Clerk’s Office, Madison, June 5th, 1861.

“His Excellency Alex. W. Randall,
Governor of Wisconsin.

“Sir:—We are in receipt of your communication of the 4th inst., asking our opinion as to the constitutionality of chapter 239 of the general laws of 1861, entitled ‘an act to provide for the defense of the state and to aid in enforcing the laws and maintaining the authority of the federal government,’ and chapter 13, of the extra session held in May, 1861, entitled ‘an act to provide for borrowing money to repel invasion, suppress insurrection and defend the state in time of war,’ and as to whether bonds, issued under the above acts and in conformity to their provisions, would be valid and binding against the state.

“Your excellency is pleased to intimate that it has become a necessity in the present exigencies of the state and country to appeal to us for an opinion upon the above question. Yielding to this emergency, we have felt it to be our duty to give you our opinion upon the question suggested in your communication, and we would therefore state that we have considered the above mentioned laws, and from the examination we have given them we entertain no doubt as to their constitutionality, and we are of the opinion that the bonds issued in conformity to their provisions will be valid and binding upon the state of Wisconsin. Respectfully yours,

“LUTHER S. DIXON, Chief Justice.

“O. COLE, Associate Justice.

“P. S.—Mr. Justice Paine is at present in Milwaukee and has had no opportunity of acting upon the subject matter of your communication.

“O. COLE.”

By the aid of this opinion, the bonds were negotiated and their validity has never been brought in question.

At the regular session of 1862 a number of amendments were passed to the legislation already mentioned. The five dollars extra pay per month to soldiers having families dependent upon them for support was, by chapter 112, approved March 12th, 1862, confined to organizations then already in the field or in process of formation.

An additional bond issue of two hundred thousand dollars for

the benefit of the war fund was authorized by chapter 228, and a special fund of twenty thousand dollars was put at the disposal of the governor for the care of the sick and wounded soldiers of the state. (Chapter 371.)

At a special session held in September, 1862, a general act was passed, authorizing counties, towns, cities and villages to raise money to pay bounties to volunteers. (Chapter 13.)

By far the most important act of the legislature of 1862, and one of the most important enacted during the war, was chapter 11 of the special session. It conferred upon the qualified electors of the state, who were in the military service of the United States or of the state, the power to exercise the right of suffrage at the several posts, camps or places where the regiment, battery or company to which the soldier belonged might be on the day of election. The act contained careful provisions guarding such elections in the field and for canvassing and returning the vote. It was passed by the party in power against strenuous opposition. Both its constitutionality and its expediency were strongly questioned. Its constitutionality was tested early in 1863 before the supreme court of the state in an action of quo warranto involving the office of sheriff of Dane county. Its validity was sustained and the "soldiers' vote" thus became established as an important factor in political contests. *State ex rel. Chandler vs. Main*, 16 Wis., 398.

The legislature of 1863 extended the soldier's right to vote to judicial elections. (Chapter 59.) It authorized an additional issue of bonds to the amount of three hundred and fifty thousand dollars for the war fund. (Chapter 157.) By chapter 196, it appropriated a further sum of fifteen thousand dollars for the care of the sick and wounded soldiers of the state. Chapter 215 authorized the governor to purchase new flags for regiments in the service of the United States from this state, to replace those worn out in the service. By joint resolution number 4, a state flag was formally adopted. This flag had been in use before but without formal action on the part of the legislature. An elaborate act "for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service," was passed. (Chapter 242.) A special tax of two hun-

dred thousand dollars was levied for the "war fund." (Chapter 139.)

In 1864 the legislature authorized a further loan for the benefit of the war fund by the issue of bonds to the amount of three hundred and fifty thousand dollars, redeemable in and after the year 1896. (Chapter 360.) At the same time and for like purposes, a loan of three hundred thousand dollars was authorized upon certificates of indebtedness, bearing interest at the rate of seven per cent. per annum, and payable at the pleasure of the state treasurer on or before six months from the date of issue. (Chapter 361.) A special tax of two hundred thousand dollars for the war fund was also imposed. (Chapter 349.)

By chapter 117 the laws relating to the payment of five dollars extra per month to soldiers having dependent families were revised and consolidated. By this act, all the enlisted or drafted non-commissioned officers, musicians and private soldiers theretofore or thereafter mustered into the military service of the United States or of the state, in pursuance of any law of Congress or of the state, having families dependent on them for support were to receive from the time of being mustered, in addition to the pay provided by the United States, the sum of five dollars per month. Deserters and soldiers dishonorably discharged were excepted. This additional allowance was not paid each month but remained in the state treasury to be paid on such orders as might be drawn in accordance with the law for the support and maintenance of the family of the soldier. The balance remaining was paid to him at the expiration of his term of service. The definition of a "family" within the meaning of the act and the manner of drawing the money were minutely defined in the act. Under this act all Wisconsin soldiers serving in the Wisconsin regiments, who had families dependent upon them for support, received five dollars per month extra pay throughout their term of service.

A very large number of special laws authorizing bounties in particular localities to be paid to volunteers for enlistment and providing for raising the money by taxation or loans or both, were enacted at this session.

The legislature of 1865, besides enacting numerous special

laws for the raising of bounties for volunteers in specific localities, enacted a general law authorizing the qualified electors of each town, city and village in the state to raise by tax such sums of money as might be necessary to pay bounties to volunteers who might have enlisted or should thereafter enlist under the call of the President of the United States, of December 19th, 1864, for three hundred thousand men, and who should thereafter enlist under any further call of the President. This was the act the validity of which was questioned in the case of Brodhead vs. The City of Milwaukee, already noticed. (Chapter 14.)

Chapter 179 of 1865, made it the duty of the adjutant-general to compile complete muster and descriptive rolls, with all subsequent information obtainable, pertaining to the military history of each individual member of the several military organizations of the state which were then or might thereafter be in the service of the general government during rebellion.

Chapter 465 placed the further sum of fifteen thousand dollars at the disposal of the governor for the care of the sick and wounded soldiers of the state.

By chapter 478 large additional financial provision was made for the "war fund." The governor, secretary of state and treasurer were authorized to borrow upon certificates of indebtedness of the state, payable on or before seven months from their date and bearing seven per cent. interest, such sums as they might deem necessary, not exceeding in the aggregate eight hundred and fifty thousand dollars; and a special tax to the same amount, to be levied in the year 1865, was authorized to meet their payment.

A memorial addressed by this legislature to the President of the United States, not by reason of its importance but for its unique character, may be entitled to notice in this place. It insists "that no proposition for peace should be entertained by the government of the United States other than full submission" on the part of the rebels in arms; and renews the pledge of the state to bear its full share of the burdens and hardships imposed; but finds fault with the distribution of burdens of recruitment of the armies imposed by the government of the United States, and of the great injustice which has been es-

pecially done in the case of the state of Wisconsin. It contains, among others, the following reflection: "Your memorialists are of opinion that General Fry (the provost-marshal-general) has a new arithmetic, the principles of which he alone understands; that by its practical application, when he subtracts the credits which a district is entitled to, from the quota required from such district, such quota is thereby enlarged." The memorialists ask "respectfully, though earnestly" that this weak arithmetician be removed from his present position, and "that the same be given to some person competent to discharge the duties thereof, and who will have some regard for equality and right."

The legislature at this session incorporated the Wisconsin soldiers' home. The original act incorporated fifty ladies, chiefly of Milwaukee, to constitute a body corporate of the name and style of 'Wisconsin Soldier's' Home,' to be permanently located at Milwaukee, for the purpose of providing and caring for the sick, wounded and disabled soldiers temporarily sojourning in the state of Wisconsin. This organization, it is well known, raised a large sum of money, which was subsequently turned over to the United States upon the establishment at Milwaukee of the national home for disabled volunteer soldiers.

It has been thus attempted roughly to sketch the most important legislation bearing on the war enacted during the years of its duration. A few acts of subsequent years, of a germane character, remain to be noticed.

Chapter 5 of the laws of 1866 authorized towns, cities and villages to erect monuments to the memory of deceased soldiers of the war. (Section 937, R. S.)

By chapter 69 of the same year a Soldiers' Orphans' Home was established. It was located at Madison. It was supported by annual appropriations by the state until the year 1876, when by chapter 21 of the laws of that year, its property was turned over to the state university. The trustees of the orphans' home had been authorized, by chapter 72 of the laws of 1874, to find homes for orphans over fourteen years of age outside of the home. For orphans so placed, the state continued to provide through the trustees of the Soldiers' Orphans' Home after the home itself had been discontinued.

In 1887 the legislature, by a series of acts, provided for a separation of indigent soldiers of the late war, and their families, from other poor and indigent persons supported more or less at the public expense. It was made the duty of the several counties to levy a separate tax for the relief of "indigent or needy Union soldiers, sailors and marines, and the indigent or needy wives, widows and minor children of indigent or deceased United States soldiers, sailors or marines;" and three commissioners, of whom at least two were to be honorably discharged soldiers, to be appointed by the county judge, were charged with the disbursement of this fund. Provisions were also made for supporting destitute Union soldiers and their families at the Wisconsin Veterans' Home, then recently established under the auspices of the grand army of the republic at Waupaca. (Chapters 513, 518 and 304.)

These enactments have been more or less amended, but in their general scope and spirit remain in full force.

ORIGIN AND ANTIQUITY OF HERALDRY.

II.

DESCRIPTION OF THE SUB-ORDINARIES AS THEY ARE APPLIED TO COAT ARMOR.

BY HENRY WHITTEMORE.

THE FESSE in armories is generally taken to represent the military belt and girdle of honour used in the ceremonies of old at the investiture of the nobility and knights. Guillim says that the girdle of honour was anciently bestowed by emperors, kings and generals upon soldiers for their special services. Favin says in his "Theatre of Honour" that when Charlemagne went to the battle against the Hungarians in the town of Ratisbon he created his son, Louis Debonnair, knight by engirthing him with the *baldrick*, which he describes to be a military belt or girdle to which was fixed, on the left side, a sword, and on the right, a long poignard, or war-knife, much like the daggers used in Scotland. On the portraiture and statues of great men on monuments and gravestones this girdle or belt as a sign of nobility or knighthood, is variously adorned with figures, precious stones, and studs of gold and silver to represent their eminency. Such an one has been anciently carried in the armored ensigns of the noble and princely family of Stewart, which is known as a fesse cheque.

THE BAR is a diminutive of the fesse, and of the same form. Guillim says this is formed by two lines equivalent drawn athwart the escutcheon and contains only the fifth part of the field. By the name it is known to represent a piece of timber or other matter laid transverse over some passes, bridge, or gates to stop and debar enemies from entrance, and for that effect says John Ferne, they are called bars which represent in armories, force, valor and strength, and the same authority says

of the pallets, bendlets and chevronels that they represent the pieces of timber in the fortification of camps, cities, and the barriers of places where tournaments and justings were celebrated; while from the various position of these pieces came the different names. According to English authority, there is no other difference between the fesse and the bar, but that one possesses the third part of the field, and the other only the fifth part, and both horizontally. It is evident, then, that the bar is but naturally a diminution of the fesse. It is not confined to any certain or prescribed place as the fesse, but may be transferred to any part of the escutcheon.

When small figures are ranged horizontally above or below the middle of the shield, they are said to be in bar. As for example, some of the surname of Ouston gave for arms a crescent between two stars ranged bar-way in chief between two stars bar-way in base argent. When oblong figures are placed in the field of arms horizontally one above another, they are said to be bar-ways as some blazon the arms of England, gules, three leopards bar-ways in pale or.

Sir George MacKenzie in his "Science of Heraldry" gives us the arms of Elles, parted per bend sinister, argent and gules, a hand coupé and grasping a lance bend-ways, bearing on the top thereof an helmet proper; in the sinister chief angle, a sparrow of the first, and in the dexter base, a horse-head coupé sable.

When the first two lines mentioned, parted per pale and parted per fesse, meet in the field they divide into four equal parts or quarters which are of different tinctures; the first quarter as the fourth, and the second as the third. When the other two partition lines per bend, dexter and sinister *tranche* and *taille*, meet in the field they divide into four quarters or areas. When the three partition lines, *coupe*, *tranche* and *taille* meet in one field they make six triangular areas which the English blazon *gironne* of six, or and sable. When all the four principal partition lines meet in one field they divide it into eight angular and conal areas or pieces like to girones.

Besides the four principal partitions described there are

others, and especially one very frequently used by the English and Scotch, but not with the French under the name given.

PARTED PER CHEVRON. This is made by two half diagonal lines rising from the dexter and sinister base flanks and meeting in the collar point of the shield, parted per chevron sable and argent. The English heralds bring this partition as they do others from the ordinaries which the French do not. When there are two perpendicular or paler lines dividing the shield or field into three equal parts without cutting the centre it is blazoned tierce in pale, azure, or and gules.

Tierce in fesse is such another, made by two horizontal lines, dividing the field into three equal parts, azure, sable and argent.

These partitions by tiercing the field are not used in Britain in forming a simple coat of arms, but only when they marshal three coats of arms in one shield. This is called tierce in mantle, azure, argent and gules. The Spanish marshal their arms by this partition tierce in mantle as the family of Henriquez, first and second argent, charged with a lion rampant, gules, and the third of the last with a castle, or, being descended from a natural son of Ferdinand, King of Leon and Castile.

There is another partition more frequent, parted per pile in point or and sable, so blazoned by Guillim and other English heralds. Gerard Leigh says, "the pile point of the coat may be charged and no other part thereof and it may be used as only one coat,"

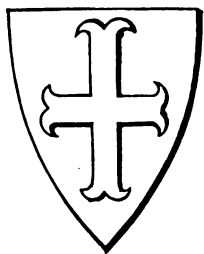
ORDINARIES—CHARGES. "All Charges of Arms," says Guillim, "are either Proper or Common. These charges are said to be proper, when by certain Property do particularly belong to this Art and are of ordinary Use thereon, in regard whereof they are called Ordinaries and they have also the title of Honourable Ordinaries in that the Coat Armour is much honoured thereby, forasmuch as they are oftentimes given by Emperors, Kings and Princes in Addition of Honour unto the Coat Armour of Persons of Desert for some special services already past, or upon hope of some future worthy Merit. Moreover they are also called most worthy Partitions in regard that albeit the Field be charged in divers parts thereof whither with Things of one or of divers kinds, yet is every one of them as efficient

as if it were only one by the Sovereignty of this Partition being interposed between them. There are nine of these Honourable Ordinaries—Chief, Cross, Pale, Bend, Fess, Escutcheon, Chevron, Saltier, Bar.”

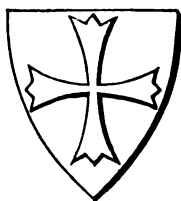
The chief is that honourable ordinary which possess the third upper part of the shield horizontally. Says Guillim, “It betokeneth a Senator or honourable Personage, borrowed from the Greek, and is a word signifying Head, and as the head is the Chief Part of Man, so the Chief in the Escutcheon should be a mind of such only whose high Merits have procured the chief Place, Esteem and Love amongst Men.

“He beareth Gules a Chief Argent surmounted of another, Or. This is accounted good Armoury and signifieth a double Reward given by the Sovereign. So will many a Gentleman deserve in giving Counsel to his Sovereign that he may be twice rewarded for the same. These additions of Honour that are given in Reward for Counsel or wise Actions are thought to be placed most fitly in the chief Part, or Head of the Escutcheon.”

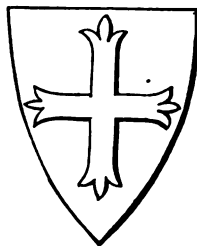
Nisbit says: “It is generally taken as a mark of wisdom and prudence, for chief signifies the head; and any concession of armorial figures granted by sovereign princes to their deserving friends and subjects are ordinarily placed on a chief, as all these concessions of armorial figures made by the emperors to the free states of Genoa, Marasdule, Masse, etc.”



Cross Moline.



Cross Patonce.



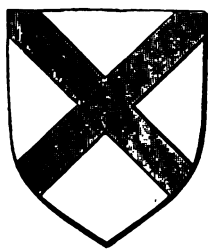
Cross Fleury.

CROSS. The large plain cross is one of the so-called Honourable ordinances. This was first adapted in general heraldry use by those who had actually served in the Crusaders. The smaller crosses borne in coats of arms are not considered to be ordi-

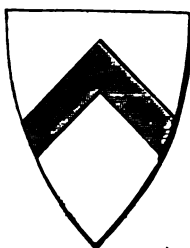
naries, but simple charges. When the cross was *flory* or *fleur-ette* (*flowered at each end*), it was said to signify one who had conquered; but when borne raguly—drawn with lines raguly—it denoted that very great difficulty had been encountered. The cross patonee or cross florry is a somewhat frequent bearing and means the same as the *fleurette* cross. The above are generally only borne as common charges. “The cross,” says Guillim, “is the most honourable charge to be found in heraldry and its bearing is the express badge of the Christian.”

The cross has been anciently, and frequently used by Christians on their ensigns, flags, armories, etc. Constantine the Great is said to be the first who assumed it, and carried a red cross in a white field, which is the ensign of the flag of England, assumed by the Briton, says Edward Bolton, because the Emperor was born in Britain. The large crosses are borne engrailed, invecked, etc., while as common charges they are found borne in arms in a variety of forms. In heraldry every form of the cross has a direct reference to the church and the risen head.

The cross is subject to be voided, that is when its middle part is cut out and the field appears as though the middle in all its parts. If the voiding be of another color or metal than the field, the cross is then said to be charged with another cross. When a cross is accompanied with figures the English in their blazons use the word *betwixt* or *between*; the French say a cross is cantoned with such figure. Canton is said of the cross and saltier when they are placed between figures which appear between the branches of the cross and saltier, in the canton.



Saltier.



Chevron.

SALTIER, OR SAUTOIR. Gerard Leigh and his followers are of opinion that this was an instrument used of old by soldiers in place of ladders to scale the walls of towers. Sylvanus Morgan

says: "Though it may be taken as an instrument of manhood in scaling of walls it may likewise be called *scala coeli* for many have ascended to Heaven by this cross." This figure, as well as others, may have various significations, and has been assumed upon different accounts in armories; but the saltier is generally taken for a cross, and that which contributed most to its frequent bearing in arms, was devotion to the Christian religion, and to patron saints who suffered on crosses after the form of the saltier as of the apostle St. Andrew. Herald's tell us that some carry it plain to show their willingness to suffer for the faith; and others raguled, to show the difficulty thereof, as these crosses of St. James and St. Lawrence; some bent them in their arms fitchee to show the sharpening of the arms; and others florry to testify their victory over it.

It is said that Achaius, king of the Scots, and Hungus, king of the Picts, having joined forces to oppose Athelstan, king of the Saxons, superior to them in force, addressed themselves to God and their patron St. Andrew; and as a token that they were heard, the white saltier arms, upon which St. Andrew suffered martyrdom appeared in the blue firmament; which so animated the Scots and Picts that they defeated the Saxons, and killed king Athelstan in East Lothian; which place to this day is known by the name of Athelstanford, corruptly pronounced Elshenford. After the victory the two confederate kings, out of a sense of singular mercy, went in procession to the church of St. Andrew's (where the arm of the saint was said to be kept as a relic), to thank God and his apostle for the victory; purposing that they and their successors should in all time to come use on their ensigns the cross of St. Andrew's. The Picts were subsequently overcome and expelled by the Scots; but it has been the constant practice of the English and Scotch Kings to carry a white saltier cross, or a blue banneret.

THE BEND is formed by two lines drawn diagonally from the dexter chief to the sinister base, and comprises the third part of the shield, when charged, and a fifth part when otherwise. The bend is generally taken to represent in arms the shoulder belt. It is not only subject to all the accidental forms of lines which compose it, but is to be voided.

The bend sinister is the same as the bend, excepting that the lines are drawn from the sinister chief to the dexter base. The



Bend.



Bend-sinister.



Crus.

first diminution of the bend is called a bendlet, which possesses in breadth the sixth part of the field diagonally.

The bendlet, says Ferne, in his "Lacias Nobility," represents a scarf which soldiers wore over their shoulder from one side to the other under the arm. When there is but one in a field of arms it was blazoned by inadvertent heralds a bend, and that is the reason, says he, why we rarely meet with a bendlet mentioned in blazon.

In the arms of Guides, second son of William, Lord Dampetria, and his lady, Margaret, Countess of Flanders, who carried the arms of Dampetria, were two leopards bruised with a bendlet for difference, in the year 1251; this he laid aside when he succeeded his elder brother William.

The other subdivision of the bend is called a cost, which contains in breadth, half of the bendlet. When it is borne alone it is always called a cost, say the English, but if by couples, then they are called cotises. The denomination of the cost is called a ribbon, and contains the eighth part of the breadth of the bend, the name agreeing well with the form and quantity of the same in that it is long and narrow, which is the right shape of a ribbon. Such an one is carried on the arms of Abernethy: or, a lion rampant, gules, surmounted with a ribbon sable. When bendlets are placed two and two together they are called bendlets gemels.

Guillim says: "Besides these bearings bendwise above demonstrated, we mentioned another by the name of a bendlet, which hath greater Resemblance with a Bend than any of the rest, and

by the Name it may seem to some to be some Subdivision of the Bend. It hath no certain quantity, but continueth evermore a sixth Part of the Field." The bend is held to signify defense or protection. This is described in the family of Monteith. The first of this name was Walter and brother to Alexander, high steward of Scotland, who, being made earl of Monteith, took the surname of Monteith, which descended to his posterity, and to show that they were originally of the stock of the Stewarts, they turned the fesse cheque to a bend; for to change a fesse to a bend, and a bend to a fesse had been an ancient practice for difference of descendants.

The chevron, supposed by some writers to have been adapted from the bow of a war saddle which rose high in front, is formed by two parallel lines drawn from the dexter base, meeting pyramidically about the fesse point two other parallel lines drawn from the sinister base. A great variety of opinion exists even among the best authorities as to its origin. Nesbit says:

"This honourable Ordinary is made of the bend dexter and sinister issuing from the right and left base points of the escutcheon, meeting and ending pyramidically in the collar point."

The French say that it represents a pair of compasses half open. The chevron, anciently, as appears by old seals and monuments reached from the base to the top of the escutcheon. But in later times the top of the chevron reaches no further than the collar point. Gerard Leigh says the chevron represents the head attire, which, in old times the women priests used to wear. The author of "Tresor Heraldique" says it represents a horseman's spur.

Merestier says of the chevron, as of the saltier and other traverse pieces of armories, that it may be supposed to be brought from the piece of timber which made up the barriers of tournaments, enclosures of parks and entries which are joined at the upper and severed below. The English generally take the chevron to represent a pair of large couplings or rafters such as carpenters set on the highest part of the house, which is never complete till these be set up; and they say a chevron should be

given to those who have brought any great design to perfection. So that it is the figure of an established house; it is so called from *tigo*, to cover.

Sir George Mackenzie, in his "Science of Heraldry," says the chevron is given by heralds to such as have supplied and relieved their prince and country and that thus the Hepburns carry gules on a chevron argent, two lines pulling at a rose of the first, because the Scots being in battle with the English, and like to be worsted, two brothers of the name of Hepburn opportunely came in with fresh supplies and recovered the battle; "and therefore he will have the chevron to signify the relief they gave, and the two lines to represent themselves as Scots pulling at a rose, the badge of England."

Sir George observes also, that Robertson of Stroan had a chevron added to his arms for apprehending Graham, the murderer of King James I of England, and that this family disused it afterward because of its being frequently used as a mark of cadency. According to the French the chevron takes up the third part of the field, but by the English only a fifth part.

When there are more chevrons than one in the field some English heralds call them chevronels. When the field is filled up with pieces of metal and colour of equal numbers after the form of chevrons they use the term chevronney of so many pieces. The chevrons as other ordinaries is sometimes carried coupé. The denomination of a chevron to the half its breadth is called by the English a chevronel and the half of a chevronel as to its breadth a couple closs; but the last, says Nesbit "is not carried alone except when a chevron is between two of them."

THE BORDURE was formerly a mark of difference to distinguish one branch of a family from another. It surrounds the field, occupying one-fifth of it, and is of an equal breadth at every point. The bordure is more frequently made use of as an additional figure or mark of cadency than any of the honourable ordinaries, yet it has been frequently carried in arms as a principal figure by the stem or chiefs of several names. The earl of Panmura had his arms within a bordure which is carried by all the descendants of these families as a principal figure. "And further," says Nesbit, "it may be said for the honour of the

bordure that it should the rather be looked upon as a principal figure since it has diminution in heraldry."

The bordure may be charged with all things animate and inanimate and with proper and armored figures. When the bordure is charged with birds it is called enaluron. When charged with beasts it is known as a bordure enurny. When the bordure is of any of the furs it is called bordure perflew, or perflew vair.

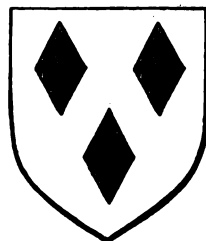
THE ORLE is an inner border that does not touch the extremities of the shield, the field being seen within and round it on both sides. It has the appearance of an escutcheon voided, or, as it were, insulated. The breadth of the orle is not determined by heralds, being a diminutive of the bordure proportionable to the extension of the field and the figure within and without, which accompanies it. It is said by heralds to have been used in the arms of those who have given protection and defence to their king and country, for as the bordure defends the figures that are within, so also does the orle, and may be thought upon that account to have been carried by some ancient families who were active in defending the borders of the kingdom. The surname of the king carried an orle in old "Books of Blazons."



Orle.



Tressure.



Losenge.

THE TRESSUR or tresehur as the French write it, is the diminution of the orle, so that it is a trace or tract flowered, surrounding the inner part of the escutcheon as an orle. When there are two of these tracts flowered and counterflowered within and without as those in the royal ensign of Scotland, it is called a double tressure, and is not allowed to be carried by any subject without a special warrant from the sovereign, especially to

those who were descended from a daughter of the royal family; and so to them it is a tessera of a noble maternal descent as the orle before mentioned is to the Spaniard.

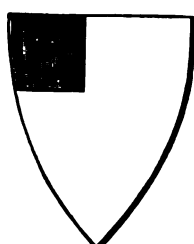
THE INESCUTCHEON is a small escutcheon borne within the field. Though this figure does not represent the military shield and may be treated of among the common charges, yet heralds place it among the lesser ordinaries as a proper armorial figure, and when there is but one of them in the field it possesses the fifth middle part of it, and the rest of the field round it looks like a bordure; it is called escutcheon or inescutcheon, being contained within the field as other charges.

David, earl of Huntingdon and Garloch, in Scotland, brother to King William the Lion, both grandsons to King David I, carried, argent an escutcheon within a double tressure, flowered and counter-flowered gules. Sir John Ferne in his "*Lacias Nobility*" says he took the field argent instead of or, the field of Scotland, because it was the field of arms of his grandmother, Maud, daughter of Waltheof, earl of Northumberland and Huntingdon (who carried, argent, a lion rampant azure and a chief gules), to show his descent that way, and retained the double tressure to show his descent from the royal blood of Scotland, and the escutcheon, says the author "did represent him as the shield of his country in his brother, the king's absence, and his valor when he was abroad with his countrymen in the Holy War."

THE QUARTER is the space formed by two lines, the one drawn horizontally from the side of the shield to the centre, and the other perpendicularly from the chief to meet it in the same place, and occupies one-fourth part of the shield as the term implies. The quarter, says Gerard Leigh, "is given to none under the degree of a lord baron," but his countryman, Guillim, says it may be granted to those of a lesser nobility.

THE CAULON, derived from the cantonnee cornered is less than the quarter, comprising only the third part of the chief, and is formed, as is the quarter, by a perpendicular line drawn from the top of the shield, meeting another drawn horizontally from the side. The canton always occupies the dexter chief of the escutcheon, unless otherwise expressed. The canton, says one

authority, is a square figure, and possesses only a third part of the chief. It is an additional honour worthy to be used by all degrees of nobility according to English authority. Gerard Leigh says that the franc quartier should be given to the high nobility, and the canton to the lesser nobility, knights, esquires, and gentlemen. In the year 1287, John, Duke of Bretagne, in France, carried cheque, or and azure, a bordure gules, (being the arms of the Counts of Dreux, of which family he was descended) a canton ermine (the arms of the Earls and Dukes of Bretagne), which arms were upon his seal in the reign of Henry III of England, whose daughter he married.



Canton.



Inescutcheon.



Bordure.

Sir Stephen Fox, a loyal gentleman and follower of King Charles II, in his exile, carried, ermine, a chevron azure charged with three fox heads erased or, and got for added honour, a canton of the second, charged with fleur-de-lis of the last. And, said another, a canton by way of special concession was granted by King James I to Sir Thomas Ashton.

CHEQUE OR CHEQUEY is used when the field or any armorial charge is divided by transverse lines perpendicularly and horizontally into equal parts or squares, alternately of different tinctures like a chess board. On ordinaries chequey must consist of at least three ranges of square pieces. The term cheque in heraldry is said of the field or any other charge or figure filled with square pieces alternately of different tinctures which is said to represent in armories battalions and squadrons of soldiers, and so is a fit bearing for chief commanders of armies as those of the ancient family of Stewart have been. Other heralds say that the term cheque is from the French word *echiquier*, a

chess board because the accountants in the office of the king's exchequer did of old, use such boards in calculating their accounts.

English writers say that their court exchequer is so called from a chess board used by accountants or from a cheque wrought carpet which covered the table of the court. The seal of James, seventh lord high steward of Scotland, represents a man on horseback, in his coat of mail brandishing a sword, and in his left arm a shield charged with a fesse cheque; and the same design was also on the caparison of his horse, both behind and before, and on the reverse of the seal was a large triangular shield with a fesse-cheque bousse.

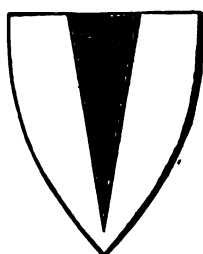
BILLETS, are oblong figures. When they exceed ten and are irregularly placed their number is not expressed in the blazon; but the field or charge covered with them is said to be billettee. Sir George Mackenzie says that some families have them in their arms to show that the original was from England where brick tiles are much used.

Baron and Menestrier say that billets represent long, square pieces of wood, deriving billet from billus, a club, which comes from the old wood billot which signified the trunk of a tree more long than broad. The proper posture of the billets is to be erect in pale; when shown in fesse or fesse-way they are said to be couche, and when they are diagonally placed they are said to be bend-way.

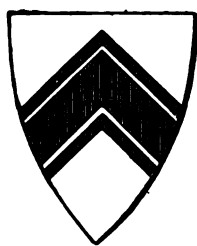
THE GYRON in gironne is a French word which signifies lap; for suppose one sitting, the knees somewhat asunder and a traverse line drawn from one knee to the other, the space within the two knees make a gyron with the points in *gremer*; so all gyrons are of a triangular or conal form, broad at one end and sharp at the other. The first is at the sides of the shield, and the other ends at the navel or centre point of the shield. They are said to represent triangular pieces of stuff commonly called gussets placed in garments to make them wide below and narrow above. The groves in length do not exceed the centre of the shield from whatever side they issue, and their points terminate and meet in the centre.

THE PALE is formed by two lines drawn perpendicularly from

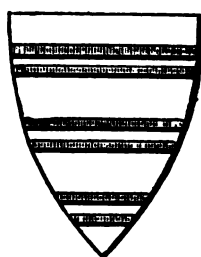
the top to the base of the escutcheon, comprising a third part of the field. "The French," says Mackenzie, "say that soldiers of old carried pales of wood to encamp them, which they fixed in the earth and thus originated this heraldic bearing. The pale is said to denote military strength and fortitude and has



Pile.



Chevron Cotised.



Bars Gemelles.

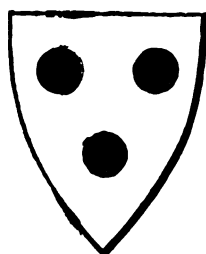
been bestowed on those who have impaled or otherwise defended cities which have supported the government of their sovereign and 'for standing uprightly to their prince and country.' " The palet is a denomination of the pale, and the endorse is a still further denomination of the pale and would in each case signify the same as the pale.

THE PILE is supposed to represent the large pieces of wood used by engineers in the construction of bridges or of buildings on insecure or marshy ground. It is therefore well fitted, says Guillim, for an engineer or for one who has shown great ability in any kind of construction. Another authority says: "This is an armorial figure more frequent in Britain than in any other nation. It is of conal form, more oblong than the gyron; the point does not end in the centre, but proceeds farther into the field and sometimes to the extremities of the shield. The English describe it as an ordinary, composed by a twofold line, formed like a long wedge, and when but one in the field, the great end possesses the third part of the shield. The English ascribe to it many significations in arms. It represents the ancient weapon peculiar to the Romans, called *pilum* from which the pile is latinized *pila*.

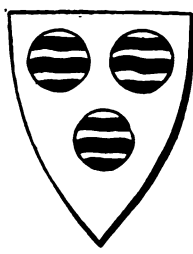
Morgan says it is a fit figure to be given to generals and commanders, who have ordered their army in battle after the form

of a wedge, and have obtained victory by that form. "The Art of Heraldry" says that the pile represents in armory such pieces of wood which make all the foundations of buildings and fortifications sure and firm in marshy and watery ground, that it is a fit symbolic figure for those who have founded governments and societies, and it is said that Edward III of England, gave the pile to Sir John Chandos for his armorial figure upon the occasion of his valor against the French, and as one of the founders of the memorable Order of the Garter. This Sir John Chandos was well known to the French, for almost all their heralds take notice of his arms.

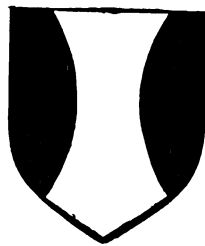
Sir George Mackenzie says: "Besides the former signification of the pile, when there are three of them in the field, they are thus to represent the three passion nails as symbolic, assumed by such as returned from the Holy Land."



Roundel.



Fountain.



Flasque.

FLAUNCH OR FLANQUE. Guillim says that these are made by an arch line drawn somewhat distant from the corners of the chief on both sides and swelling by degrees to the middle of the escutcheon and thence descending gradually in the base points. The flasque is lesser than the flaque and the evidence is the diminutive of both. Such figures are in reward for learning and especially for service performed in embassies; and the evidence, the diminutive of flasque, is a suitable reward for a gentleman who has dutifully served his prince or princess.

THE LOZENGE is a figure that has equal sides and unequal angles, as the quarry of a glass window placed erect point ways. Heraldry tell us that their use in armories came from the pavement of marble stones, of churches, fine palaces, and houses,

cut after the form of lozenges, which pavements the French and Italians call loze, and the Spanish call lozas, and when in arms they are taken for marks of honourable descent from some noble house. When there is but one lozenge in the field, and it touches the four sides of the shield, it is called a grand lozenge.



A. Lincoln

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DOUGLAS, LINCOLN, AND THE NEBRASKA BILL

BY ALBERT WATKINS

I

THE two opposing leaders in the most momentous struggle since the adoption of our federal constitution were typical men of the middle west, and the question in dispute which was the cause of that struggle—for supremacy of one of two distinct social systems—arose also in the same section. The careers of these two men, one, and probably both of them, worthy to be called great, were directed and blended and their characters illustrated in that decisive controversy. The approaching semi-centennial anniversary of the famous debates between them will doubtless lead to a more critical and fairer investigation of their attitude toward the slavery question previous to the outbreak of the war.

Stephen Arnold Douglas was the father of political Nebraska; and, as in the operations of the physical world, this giving of life was the precursor of death. The Nebraska bill which brought death to Douglas lent life to Lincoln—and the republican party. These opposite effects of the same cause were not accidental or an exception to the orderly rule of nature, but an explicable and logical sequence. They were owing not so much to the opposite party affiliations—which might well have been governed by environment—as to the opposite temperament of the men themselves. From a general or superficial view, Douglas, of New England birth, should have had the sympathetic bias against human slavery which so strongly affected Lincoln, and Lincoln, of immemorial Virginia and Kentucky lineage, should have been willing, as Douglas was, practically to disregard the immorality and injustice of holding in bondage an inferior people so long as the proposal of their enfranchisement menaced the white man's welfare, to him of paramount importance.

Lincoln was a truly American type, but Douglas was more truly a typical American. Lincoln was strongly idealistic, and his moods were introspective, poetical and religious. His superlative gift of sympathy made him one with the multitude, and the allied gift of melancholy ripened sympathetic public regard into adoration, as like gifts won worship for his prototype who also was "a man of sorrows and acquainted with grief." It seems to be generally conceded that, in his earlier life at least, the poem, "O, Why Should the Spirit of Mortal be Proud," was a great favorite of Lincoln's. This partiality for a composition not above high class doggerel probably gave way to the influence of his latent taste, awakened and developed in the terribly impressive school of experience in which his later years were spent. But the fact that this favorite is a wail of gloomy fatalism,

"Without one cheering beam of hope,
Or spark of glimmering day,"

illustrates Lincoln's tendency to melancholy. In an environment lacking the American stimulus, Lincoln might have been a mere dreamer of dreams. But the American frontier spirit, abhorring anything so non-practical as a mere philosopher, fashioned out of his strong but alien qualities a subtle politician plus a virile strain of statesmanship.

Douglas and Lincoln were opposites in all important respects save one; politics was their profession and absorbing occupation, and they were rivals in its widest field and for its highest honors. Douglas demonstrated his great capacity for leadership of the dominant national party, and for practical statesmanship as a member of the national congress for twenty years. In fact the sum total of his practical accomplishment up to his untimely death in 1861, was far greater than that of Lincoln.

At the outset of his career each was a popular prodigy, but in a different way—Douglas through the inspiration of dominating force, Lincoln through the gift of brawn and good-fellowship. At the Ottawa debate Douglas said of his rival: "He was then (in the days of their early struggles and poverty) just as good at telling an anecdote as now. He could beat any of the boys

wrestling or running a foot-race, in pitching quoits, or tossing a copper, could ruin more liquor than all the boys of the town together, and the dignity and impartiality with which he presided at a horse-race or fist-fight excited the admiration and won the praise of everybody." In physical height Douglas was almost a dwarf, while Lincoln was almost a giant. Douglas was thick-set, and in appearance comely; Lincoln was gaunt, ungainly and altogether uncomely. This was the superficial impression and popular belief; but critical observers maintain that Lincoln handled his huge frame remarkably well with the "awkwardness of nature which is akin to grace." He had the genius of presence which Milton's apostrophe to melancholy so aptly portrays:

"All in a robe of darkest grain,

* * * * *

Come; but keep thy wonted state,
With even step and musing gait,
And looks commercing with the skies,
Thy rapt soul sitting in thine eyes."

Douglas' voice was a deep, and when not overstrained, a rich baritone; Lincoln's was high-pitched and under emotion broke into a shrill treble. Douglas was a typical American in that doing, at the expense of being, distinguished and dominated him. He preferred propulsion to persuasion. He was a trip-hammer in perpetual motion and himself drove his measures through, now being his accepted time.

His oratory was strong, bold and imperious, but lacked imagination, sentiment and grace. Lincoln's master impulses were sympathetic, and his ultimate aim was to ameliorate the condition of his fellow men. Those of Douglas were for mastery, largely for the joy of it. While Lincoln's career waited the slower but surer propulsion of moral force and his strength was not generally recognized or his fame established until after his death, the masterful spirit of Douglas, which would not be denied, raised him to almost immediate command of the dominant party to which he naturally attached himself. Significantly also, Lincoln's original party was dying when he espoused it, but his moral sentiment and spiritual devotion,

which Douglas seriously lacked, engaged him in the doubtful enterprise of waiting the growth of a new party which met his spiritual demands.

Douglas was opposed to slavery; but, unlike Lincoln, his opposition was not fundamental or insistent, and so he sought, and with wondrous speed attained leadership of the party which was dominated by slavery, but which he intended to bend ultimately to his antislavery purpose. It is quite explicable and natural, then, that during the slow working of the antislavery virus with which Lincoln was with subtle process and power innoculating the north, Douglas with ease temporarily triumphed over him. For the short run Douglas had the upper hand in the famous debates of 1858, and later it was not for Lincoln but for his cause that the majority in the north forsook their long-time magnetic and dazzling leader. The east would have no mind to this audacious Young Lochinvar, if for no other reason than that he had the audacity to come out from the west.

If Douglas was moved but little by sympathy or moral sentiment in contemplation of the monstrous system of slavery, yet surely his attitude toward the whole momentous question it involved was more statesmanlike than Lincoln's; for in view of the successful expedient of the first two compromises, there was strong ground for hope that he might continue to avoid the dreaded rupture by effecting still another compromise which, without strengthening slavery or widening its domain, would save the union and avoid the horrible and doubtful resort to war. Was not the responsible leader of the majority party in the circumstances forced to a temporizing policy by humane as well as generally expedient considerations?

Lincoln, possessed by a moral and sympathetic bias, constantly agitated the slavery question, stimulating abolition zeal on the one hand and irritating the even less rational and exceedingly fiery and solicitous slaveholders on the other, thus provoking the secession and war which Douglas, like Webster and Clay, strove primarily to prevent. "Brutus says he was ambitious;" but was not the presidency the eager goal of Chase, Seward and Lincoln—the antislavery leaders? And as a direct

result of their opposition to the peace policy of Douglas, their playing upon the susceptible emotions of both north and south, the one obtained his goal and the others reaped rich collateral reward. Indeed it is a hackneyed, as well as, in my opinion, an immoral boast of hero worshipers that Lincoln was shrewder and longer-headed than Douglas in the debates of 1858 because he persistently denounced slavery as intolerable, with the cunning foresight that the reaction of the resulting irritation of the south upon the northern conscience or prejudice would open his way to the coveted presidency.

Let it be remembered, too, that until the moral aversion to slavery had been excited to madness in part by the radical abolitionists, but largely by Lincoln himself, who was the logical and actual beneficiary of this policy, Douglas easily distanced him in the rivalry for leadership. Lincoln joined Greeley, Webster and other whig leaders in the tactical, if not cruel mistake of denouncing the democratic administration for waging "an unnecessary and therefore an unjust war" against Mexico while the armies of their country were battling in a distant land against a foreign foe. The adroit advantage which Lincoln took of the equally unwise tactical mistake of Douglas in repealing the Missouri compromise as an incident to the passage of the Nebraska bill, raised him out of the discouraged obscurity into which he had fallen at the expiration of his single term in congress—which was distinguished only by the tactical blunder in question.

Statesmen must deal with existing conditions in contradistinction to ideals. Mere statesmen mould such policies and measures as they may out of the common clay their public affords them. Prophets or poets are content to furnish ideals which statesmen may sometime be able to utilize in practical forms. Douglas was a mere statesman, though of a higher type than "Tom" Reed's definition of that functionary, "a dead politician." Lincoln was the prophet-statesman, not meant for the complete idealistic surrender of the prophet which Lowell shows us in Wendell Phillips:

"He saw God sat upon the weaker side,
Therefore he went

And humbly joined him to the weaker part,
Fanatic named and fool, yet well content."

And in Garrison, also:

"Such earnest natures are the fiery pith,
The compact nucleus, round which systems grow.
Mass after mass becomes inspired therewith,
And whirls impregnable with the central glow."

The politician dross in Lincoln "paid dear for his White House;" but the larger measure of self-surrender and sacrifice induced by his responsibility through the stress and tragedy of the war, all but made him over into the pure prophet; and stimulated by his martyrdom, fortunate as respects his fame, the popular imagination has done the rest. For this reason Lincoln will never be impartially or judicially judged. On the other hand the temper and methods of Douglas were such that his faults were not only always palpable, and often glared under the search-light of excited altruism which was turned on him; but his policy was superseded by another which was glorified by the most dazzling of all achievement—a successful appeal to arms—in such characteristic prodigality that even his undeniably great and brilliant deeds have been obscured in the contrast.

Douglas, as the majority leader, was confronted with a condition which overshadowed all else,—imminent menace to the union. He foresaw, and forewarned the country against the inevitable result of Lincoln's politically subtle and selfish, yet largely sympathetically inspired protest against slavery. The power of practical leadership impressed upon Douglas a concomitant responsibility and sense of fear from which Lincoln was free. Indeed, Lincoln was confessedly blind to the danger which Douglas strove to avert.

The closing words of Douglas in the Ottawa debate were:

"I believe that this new doctrine (the delimitation and ultimate extinction of slavery) preached by Mr. Lincoln and his party will dissolve the union if it succeeds."

“Why can we not thus (by leaving the question of slavery to the several states and territories) have peace? Why should we thus allow a party to agitate the country, to array the north against the south and convert us into enemies instead of friends, merely that a few ambitious men may ride into power on a sectional hobby?”

That he demanded at Alton. The familiar contention of eulogists that “the far-sighted Lincoln looked ahead (in the debates) to the contest for the presidency,” and that he was “stalking for bigger game than the senatorship,” dovetails into these accusations and warnings of Douglas.

On the other hand, in the Alton debate Lincoln declared:

“There never was a party in the history of the country, and there probably never will be, of sufficient strength to disturb the general peace of the country. . . . There will soon be an end of it (slavery) and that end will be its ultimate extinction. . . . This controversy will soon be settled, and it will be done peacefully, too. There will be no war, no violence.”

Again, while Lincoln protested:

“Now I have upon all occasions declared as strongly as Judge Douglas against the disposition to interfere with the existing institution of slavery,”

Yet he also inconsistently declared:

“My wish is . . . that it may be placed where the public mind shall rest in the belief that it is in the course of ultimate extinction.”

In his reply, Douglas was certainly more ingenuous if not more honest than his antagonist:

“I care more for the principle of self-government, the right of the people to rule, than I do for all the negroes in christendom. I would not endanger the perpetuity of the Union, I would not blot out the great inalienable right of the white men for all the negroes that ever existed.”

Did not the bloody sequel, in which the existence of the union was long in agonizing danger show that Douglas' statesmanship was the sounder, if not the more humane?

By natural impulse Douglas inclined to the courage of his opinions; Lincoln to the promptings of his emotions and sympathies. Douglas was so deeply impressed by the danger to white men's institutions—the union especially—and so intent on saving them, that he cared little, relatively, for the fate of the negro and audaciously declared his indifference as to whether he was "voted up or down," while Lincoln cared so much for the negro that he risked his own political fate and the fate of the union for his enfranchisement.

Douglas was possessed of extraordinary vigor and progressiveness. He had a passion for politics and a genius for overcoming obstacles to the advancement of his political projects. At the age of fifteen he became self-dependent, earning his living as a cabinet maker. At twenty he came west, from Vermont to Illinois, walking from Jacksonville to Winchester because he lacked money to pay for riding, and with all his worldly goods done up in a handkerchief and slung on a stick over his shoulder. He at once engaged himself as clerk at an auction which was going on when he reached Winchester, in this way earning the six dollars which maintained him while he organized a school which he taught for three months. The proceeds of this employment carried him through a year's study of law, when he began a remarkably successful practice, and at the age of twenty-two was elected by the legislature attorney general of the state. The next year—1835—he was elected a member of the legislature; in 1837 he was a candidate for a member of the lower house of congress, being defeated by only five votes out of a total of 36,000. In 1840 he became secretary of state for Illinois, and in the same year a judge of the supreme court, resigning this office to become a member of the national house of representatives in 1843. He was twice reelected to the same office, but resigned his seat to become United States senator, March 4, 1847. He remained a senator until his death, June 3, 1861.

Thus as Carlyle said of Robert Burns, Douglas "came upon

the world as a prodigy, and was in that character sustained by it in the usual fashion, with loud, vague tumultuous wonder." And further adapting Carlyle: "Let it not be objected that he did little," beside the mighty achievement which is credited to his rival, Lincoln. For still applying the appraisal of Burns, "He did much if we consider when and how he did it."

In the national legislature he repeated the immediate and precocious leadership of his local career, and he yielded it only at the summons of death. But the disruption of his party, caused and hastened by the stimulus which the repeal of the Missouri compromise gave to antislavery sentiment in the north, and the prelude to the disruption of the union, left him at the last only leader of a forlorn northern faction.

Lincoln was fond of insisting that slavery violated the declaration of independence, and Douglas retorted that the framers of that instrument could not have intended to apply it to negro slaves. In his speech at Springfield on the twelfth of June, 1857, he said:

"On the fourth of July, 1776, when the declaration of independence was promulgated to the world, African slavery existed in each of the thirteen colonies. Every signer of the declaration of independence was elected by and represented a slave-holding constituency. Every battle of the revolution from Lexington and Bunker Hill to King's Mountain and Yorktown, was fought in a slave-holding state."

The treaty of peace between the colonies and England, he said, was signed by thirteen slave-holding states, and the constitution was framed and adopted by twelve slave states and one free state. He insisted that Lincoln's doctrine would at once free all the slaves, while he yet protested that he had no intention or desire to interfere where it was actually established. Lincoln of course replied that he meant that slavery was inconsistent with the spirit of the declaration; but this was a characteristic evasion.

Puritan New England repudiated negro slavery because it wouldn't pay in its environment. Before the gin came to rev-

olutionize the cotton industry, the people of the south, with much profession of philanthropy, were about to set their slaves free. But under the new conditions they became cotton-mad, just as under the late enormous growth of facilities for general money-making, according to universal acclaim the people in general have become money-mad. The popular virtue remains tolerably healthy until prosperity tempts it. Leisure and luxury forerun lust. "In nature," says Emerson, "nothing can be given, all things are sold. This is that ancient doctrine of Nemesis, who keeps watch in the universe and lets no offense go unchastized." If Nebraska had been by nature the home of iron manufacture, and Pennsylvania, a relatively agricultural region, had done by Nebraska as Nebraska, bullied and blinded by the cohesive power of partisan plunder, has for thirty years ostentatiously done by Pennsylvania, namely: gratuitously added to the natural advantage of her iron and steel trusts fifty to a hundred fold by a self-imposed tariff tax, then, by the rule of compensation, Nebraska would be the Sodom that Pennsylvania is, and Puritan Lincoln, the Gomorrah that Pittsburgh is. So when the Midas touch of mechanical genius turned cotton into gold, southern emancipation philanthropy changed into selfish greed, and human slavery was thenceforth cherished where it was coming to be abhorred.

When the organism ceases to grow it begins to decline; and so the beneficiaries of the slave trust, led by John C. Calhoun, contended that expansion was essential to its healthy life. But there was a more imminent reason for the spreading principle. The acquisition of Louisiana, far wider at the north than the south, awakened southern solicitude as to the balance of political power. This question became acute when Missouri asked admission as a free state. Congress compromised a heated controversy by putting Missouri in the slavery section and solemnly declaring that all of the Purchase north of the southern boundary of Missouri should be forever free. This cheap gift to freedom was partly offset by the annexation of Texas. In 1848, when the admission of Oregon as a free state was disputed, Douglas seized the opportunity to propose the extension of the Missouri compromise line to the Pacific ocean; but though

by far the larger part of the recent Mexican conquest lay on the side thus to be secured to freedom, the now confident and aggressive antislavery partisans refused to even inferentially concede to possible slavery the part below the line. In the heat of the controversy precipitated by the repeal of the compromise, Douglas effectively taunted his radical assailants for losing the whole loaf by their unreasonable refusal to take the larger part when it was offered.

But for this Mexican accession the oil of compromise poured over the troubles of 1820 might have permanently quieted them; but when Utah and New Mexico asked for territorial organization in 1850, the same troubles arose again, and it took all the persuasiveness of Clay and the powerful eloquence of Webster, exerted in their last political struggle, reinforced by the matchless vigor of Douglas and the influential ability of Lewis Cass, to allay them by another compromise. Slavocracy, led by Calhoun and Jefferson Davis, now took the advanced position that the constitution perforce carried with its assumption of jurisdiction the right to extend slavery into the acquired Mexican territory. The question was temporarily set at rest by the application of the popular sovereignty theory, credited to Cass, by which the proposed territories were to decide whether slavery should be admitted or excluded. As minor adjuncts of this compromise, California was admitted to free statehood and, on the other hand, the fugitive slave law was strengthened.

In this last and perhaps fiercest of Clay's political battles, he was animated by a passionate fear of disruption of the union and of war which he insisted would be identical, but which strangely failed to impress Lincoln to whom Clay was an exemplar and talisman. "A crevasse has occurred," he exclaimed, "which has threatened inundation to all around. All is uproar, confusion and menace to the existence of the union." The popular sovereignty plan, he pleaded, was safer than the Wilmot proviso, by which congress could only bar slavery from the territories—for the authority of the latter ceases as soon as the state is formed, and then the popular will has absolute control. By law there is now no slavery in territory acquired from Mexico, and left to the popular will there probably never

will be. Within three or four months California had declared against slavery by the unanimous vote of her constitutional convention, which was not confined to non-slaveholders. The whole north blazed up in behalf of the Wilmot proviso,

“because the people did not know much about California and feared the introduction of slavery there. You want that there shall be no slavery introduced into the territory acquired from Mexico. Have not you got it in California already? Have not you got it in New Mexico, in all human probability, also? You have got what is worth a thousand Wilmot provisos. You have got nature herself on your side.”

Webster also pressed the argument of the law of nature with characteristic eloquence and power. In his famous—by abolitionists called infamous—7th of March (1850) speech he said:

“I hold slavery to be excluded from those territories (California and New Mexico) by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the law of God. I would put in no Wilmot proviso for the mere purpose of a law or a reproach.”

Let me anticipate by the reminder that the alleged offense of Douglas in the Nebraska compromise lay in substituting this interdiction of nature for the positive, but as Clay pointed out, temporary interdiction of a law of congress, known as the first, or Missouri, compromise.

During the decade following 1834, the white invaders of territory east of the Mississippi were engaged in the ostensibly philanthropic enterprise of moving their burdensome Indians to the plains of the Purchase. The northeast, especially, had with selfish narrowness opposed the acquisition of Louisiana because it would come into competition with its own real estate interests. Under the pretense of affording the Indians wider and unmolested domains, they now pursued the double commercial purpose of grabbing the abandoned original Indian

lands and blocking competition in the west by dumping Indians there. Let us charitably assume that the destiny of this country was not manifest to President Andrew Jackson when, in his annual message of 1836, he announced with apparent good faith, but which the sequel has invested with tragic irony, that,

“the pledge of the United States has been given by congress that the country destined for the residence of this people shall be forever secured and guaranteed to them. A country west of Missouri and Arkansas has been assigned to them into which the white settlements are not to be pushed.”

Douglas' immediate environment of the illimitable west inspired him with an irrepressible spirit of expansion which became the Nemesis of the complacent selfishness of the east and south which thus sought to dedicate a great empire to perpetual savagery. As chairman of the committee on territories, first in the house and then in the senate, he reported and pushed to passage bills for the organization of Minnesota, Oregon, New Mexico, Washington, Kansas, and Nebraska; and for admission as states of Iowa, Wisconsin, California, Minnesota, and Oregon. Thus he was not merely the father of Nebraska, but of the greater northwest. The fact that he chose this opportunity for great constructive work, rather than the commonly higher-rated chairmanships, such as those of the foreign and judiciary committees, is an index to his character and capacity. If in seeking to close the Nebraska country to white settlement, the south had in mind, besides the natural sectional advantage, securing a favorable balance of political power for the protection of slavery, then Douglas must have been aware of this design; and it follows that he deliberately, and with great courage, flouted the rulers of his party from the first, as he did openly, and to his own undoing, at the last.

The introduction of the first bill by Douglas in 1844 for the organization of “the Nebraska country,” rather indefinitely understood to comprise the territory drained by the “great Platte” river and its tributaries, with approximately the same northern and southern boundaries as the present state of Nebraska, but extending from the Missouri river to the Rocky

mountains, was prompted by sectional considerations, but of a wholly commercial nature. As he himself put it, the bill was intended as notice to the secretary of war—John C. Calhoun—that he must stop his southern policy of using this country as a dumping ground for his southern Indians; and he kept repeating this notice by successive bills, with the desired effect, until the time was ripe for the consummation of his policy through the passage of the last one organizing the territory, in 1854.

There were two kindred reasons for heading off the southwestern policy of permanently colonizing the Nebraska country with Indians, which appealed very powerfully to the great commercial interests then beginning to center in Chicago: first, protection of travelers over the Oregon trail, at this time numbering about 60,000 annually; and, second, keeping open the way for the anticipated Pacific railroad by the Platte valley route. These motives were freely discussed in an extended debate of the organization bill in the House of Representatives in 1853, when champions of the northern route directly charged members from the southwest with the design of blocking the great national highway in question, and *also of permanently preventing* white settlement of the Nebraska country.¹

It is important to bear in mind that there was no mention of slavery in any of the organization bills which were introduced from 1844 to 1854, or in the discussions of them, until it became evident to the pro-slavery members that Douglas was determined to push his great project to a successful issue, when their opposition to the organization of this vast territory under the original antislavery restriction led him to make an apparent concession rather than risk being forced to abandon indefinitely his great project which, he said, "is very dear to my heart."

Douglas was a bold fighter, and he insisted in the closing debate that the will of the people would be against slavery and that they would assert it.²

He was joined in this position by Thomas H. Benton, who yet opposed the repeal of the compromise on the ground that it would reopen agitation of the slavery question; also by Senator

1. "Congressional Globe," Vol. 26, p. 543 and 558.

2. "Congressional Globe," Vol. 28, pt. 1, p. 279.



Dodge and Representative Henn of Iowa. The argument adduced in the support of the original contention of Clay and Webster in the debate of 1850 differed somewhat from that of those masterful men. It was pointed out that the Nebraska country would be settled by antislavery men, because emigration proceeded mainly along east and west lines, but with a southwesterly inclination. This forecast proved to be true. There never was the slightest danger that slavery could be imposed upon any of the territory north of Kansas, and in spite of the efforts of slavery interests to colonize that territory with proslavery men from Missouri, a free constitution was adopted by so clear a preponderance that even the unwilling Buchanan was compelled to recognize it. Douglas had been unable to press through the senate the bill of 1853 which passed the house near the close of the session. Accordingly on the fourth of January, 1854, he reported the bill, which with the subsequent amendments, repealing the Missouri compromise and dividing the territory into two, became the organic act of Kansas and Nebraska. A clause declaratory of the principle of the compromise of 1850 was incorporated in the bill, and with it the committee on territories submitted a report in which Douglas explained the indirect setting aside of the Missouri compromise on the ground that there was grave doubt that it was constitutionally valid, and a prevailing sentiment in large sections of the union, "that the constitution authorized the owners of slaves to carry them into any of the territories." On the sixteenth of January, Dixon of Kentucky offered an amendment repealing the antislavery clause of the compromise and specifically authorizing the holding of slaves within any of the territories. On the twenty-third of January Douglas reported a substitute which differed from the fourth of January bill in a provision simply repealing the antislavery clause of the Missouri compromise and separating Kansas from Nebraska; and this bill became a law on the thirtieth of the following May.

Douglas defended the repeal of the compromise on the general ground that the principle of popular sovereignty had been substituted for it in 1850, and that this principle had been confirmed by both of the national conventions of 1852. His second,

and, to my mind, invincible defense, appears in his statement of the effect of the Dred Scot decision, in a speech at Springfield, Ill., June 12, 1857.

“That the act of the sixth of March, 1820, commonly called the Missouri compromise act, was unconstitutional and void before it was repealed by the Nebraska act, and consequently did not and could not have the legal effect of extinguishing a master’s right to his slave in that territory. While the right continues in full force under the guaranty of the constitution, and cannot be divested or alienated by an act of Congress, it necessarily remains a barren and a worthless right, unless sustained, protected and enforced by appropriate police regulations and local legislation, prescribing adequate remedies for its violation. These regulations and remedies must necessarily depend entirely upon the will and wishes of the people of the territory, as they can only be prescribed by the local legislatures. . . . Thus it appears that the only sin involved in the passage of the Kansas-Nebraska act consists in the fact of having removed from the statute book an act of congress which was unauthorized by the constitution of the United States and void because passed without constitutional authority, and substituted in lieu of it that great fundamental principle of self government which recognizes the right of the people of each state and territory to form and regulate their domestic institutions and internal affairs to suit themselves, in accordance with the constitution.”

(To be continued.)

MORMONISM AND INTOXICANTS

By THEODORE SCHROEDER

I

MORMONISM seems destined to indefinite growth so long as the leaders can find it as profitable in political influence and commercial affluence as it now is, and the crop of dissatisfied mystics produced by orthodoxy continues to increase. As we grow farther from the beginnings of Mormonism the character of its founders and early members will assume growing importance in the minds of controversialists. If there were no other reason, this would be an adequate warrant for making this permanent record.

The Church of Jesus Christ of Latter-day Saints, occupies a unique position in its relation to many social problems, and deserves more attention than it has received from the student of sociology. One of this church's anomalies, is found in the history of its relation to the liquor traffic, which in its superficial discussion, seldom rises above the assertion and denial of superior temperance among the Mormon people. Sometimes, strangely enough, it has been asserted, that the saloon was unknown in Utah before the advent of the gentile. These varying opinions, usually have their origin in partisan zeal, accompanied by a partial view of the situation. It is quite possible, that some lesson can be learned from a study of the relation of Mormonism and its votaries to the liquor problem, while at the same time, we shall be refuting the oft repeated and unwarranted boast as to a supereminent sobriety of this sect.

Those who assert the existence of a more perfect temperance sentiment among Mormons than among non-Mormons, usually base their conclusions mainly upon the existence of an alleged revelation, designated "The Word of Wisdom," the origin of which, may furnish a bit of interesting history. It seems that

Emma Smith, lawful wife of Joseph Smith, the first prophet and founder of Mormonism, was a tidy housekeeper. While the Mormon converts had their gathering place in the Western Reserve, with headquarters at Kirtland, Ohio, frequently, parties of brethren and sisters would assemble at the prophet's home. Some of the men were excessive chewers of the "filthy weed" and the disgusting results of this habit, on one occasion, caused Mrs. Smith to make the ironical remark, "it would be a good thing if a revelation could be had declaring the use of tobacco a sin and commanding its suppression." The matter was taken up and joked about, one of the brethren suggesting that the revelation should also provide for a total abstinence from the drinking of tea and coffee, intending this as a retaliatory measure.

A short time after, Joseph, "the mouth-piece of God," announced the receipt of a revelation practically prohibiting the use of all, the wine, the coffee, the tobacco and the tea.¹ The patent connection between "Sister Emma's" wrath and "the will of God," was the first circumstance to open the eyes of David Whitmer, one of the three witnesses to the divinity of the Book of Mormon, who not long afterward, without denying his former testimony as to the divine origin of Mormonism, proclaimed Smith a fallen prophet, and apostatized from the main body of the church.

The "revelation" in question is dated "Kirtland, Geauga County, Ohio, February 27th, 1833," and like the products of all low cunning, prepared with a view to eliciting from the ignorant seeds of self-glorification, it contains many churlish platitudes clothed in gaudy and vulgar bombast. It is more than probable, that David Whitmer's doubts as to the divine origin of this revelation, induced the writing of headlines, in which it was said, that it was "not by way of commandment or restraint, but by revelation and the word of wisdom, showing forth the order and will of God in the temporal salvation of all saints." That head note, of which the foregoing is a portion, has in later publications, been made a part of the revelation itself.² In so far as the twenty-one verses of this revelation relate to the liquor problem, we quote it:

“As any man drinketh wine or strong drink among you, behold it is not good, neither meet in the sight of your Father, only in assembling yourselves together to offer up your sacrament before Him. Strong drinks are not for the belly, but for the washing of your bodies. Tobacco is not for the body, neither for the belly, and is not good for man, but is an herb for bruises, and all sick cattle to be used with judgment and skill. And again hot drinks are not for the body or belly.”

Through a long story, it is told that flesh is to be used sparingly and only in times of cold or famine. After pronouncing in general terms, that grain is good for foods, God is made to continue thus:

“Nevertheless, wheat for man and corn for the ox, and oats for the horses, and rye for the fowls and for swine, and for all beasts of the field, and barley for all useful animals, and for all mild drinks. * * * The saints who keep and do these sayings, * * * shall receive health in their navel and marrow in their bones, * * * and shall find hidden treasures, run and not be weary and shall walk and not faint.” These, and the Lord’s further promise, “that the destroying angel shall pass them by as the children of Israel and not slay them,” are all the rewards offered for abstinence.

While this revelation does not exhibit God’s commandants as being very explicit, yet the uniform interpretation by Mormon leaders has been, that it prohibited all use of either tea, coffee, or intoxicants as a beverage. When it was desired to expel an objectionable member, and perhaps without giving the real reason for doing so, the use of tea, coffee or tobacco, has sometimes been sufficient as the sole charge, under which expulsion could be accomplished.² At the present writing, those who violate the “Word of Wisdom,” as this revelation is called, are so numerous, that to expel them all, would almost dissolve the church.

As an index to the unthinking simple-mindedness of the votaries of this sect, we may quote and discuss a few lines from a pamphlet interpreting this “Word of Wisdom.” The author says:

“ ‘The Word of Wisdom’ was written by God’s command.
* * * I am informed that when this revelation was given, that it said ‘tea and coffee,’ but when the prophet wrote it, the Lord suffered him (on account of the great weakness of the people whom he knew would disobey that law) to write ‘hot drinks.’ ”

Let us analyze that, for a moment, and see what is implied in the statement. Here is God, who knows everything, yet does not know his own mind, and, after dictating “tea and coffee,” he allows the prophet to persuade Him to write it “hot drinks.” The reason God thus changed his mind, is because of the weakness of the people, who would disobey. Now, either God didn’t know the peoples’ weaknesses in this particular before commencing to dictate the revelation, and needed to be informed of the fact, or knowing the fact, it had not occurred to God that the weakness was a sufficient reason for not writing “tea and coffee” into the revelation, until the prophet of Palmyra, by unanswerable logic, persuaded Him. Again; the reason given for leaving out the words “tea and coffee,” indicates, that in the mind of these latter-day oracles, the morality of tea-drinking is not dependent upon its good or evil consequence to society, but upon the very writing of a revelation. By parity of reason, it would seem, that if it had not been written “thou shalt not kill,” murder would be a virtue.

It is mainly upon the existence of the “revelation” quoted from, that travelers and superficial observers have frequently asserted the existence among the Mormon people, of a great abhorrence to the liquor traffic, and that Mormon communities were without saloons, until brought in by gentiles. So often have such mis-statements been repeated, that they have, in some quarters, almost come to be accepted as established facts. As germane to this boast of superiority, and as a sociological study, we may profitably examine Mormon practices and legislation in their relation to the use of intoxicants and as revealing the effect upon temperance sentiment, produced by a professed belief in a prohibitory revelation, coming direct from God.

In Palmyra, New York, and before the origin of Mormonism,

the father of Joseph Smith, conducted a "cake and beer shop," as described by his signboard.⁵ Both the proprietor of the "beer shop" and his prophet son, were by many of their neighbors considered "entirely destitute of moral character, addicted to vicious habits," and as being "intemperate."⁶ This evidence of these neighbors, was met only by the unsupported denial of the culprit's after-acquired friends. Some Mormon apologists insist that "the charge of intemperance, can be simmered down to the fact, that on one or two occasions, in the harvest field, Joseph drank rather more of cider than did him good."⁷ Such trifling offense would hardly have induced so remarkable a humility and self-denunciation as the prophet indulged in, evidently for the purpose of taking off the curse, for much greater transgressions.⁸ The prophet, in his autobiography, admits that immediately before his engagement in the prophetic role, he "was left to all kinds of temptation," and "frequently fell into many foolish errors, and displayed the weakness of youth, and the corruption of human nature," and that he was led into "divers temptations to the gratification of many appetites, offensive in the sight of God."⁹ At another time, Smith, in writing of this period, speaks of his many vices and follies.¹⁰ Martin Harris, one of the witnesses to the divinity of the Book of Mormon, was tried before a church council, for having said that the prophet Joseph was drunk while translating the golden plates.¹¹ He escaped expulsion, by antedating the drunkenness. One, Levi Lewis, testified that he saw Smith drunk three times while, by divine help, the latter was translating the golden plates for the Book of Mormon.¹

Soon after the dedication of the Kirtland Temple, and in 1836, there came a time of great expectation for the fulfillment of remarkable promises. New endowments were about to be conferred. There were days of preaching, exhorting, fasting, and praying. The endowments were conferred and a time of great spiritual exaltation was enjoyed, as the accounts now read. The fact is, a great drunken carousal was had.

Lieutenant Gunnison tells us,¹² concerning this dedication and endowment, that "for some days, wine flowed freely, wine that had been consecrated and declared by the prophet to be harm-

less, and not intoxicating." Dr. McLellin, one of the first quorum of Mormon apostles, thus describes the same event:

"About five hundred ministers entered that great temple about sunrise, and remained fasting until the next morning sunrise, except a little bread and wine in the evening. The twelve were required to take large servers and set glasses of wine and lumps of bread, and go through the house and serve their brethren. I did my part of the serving. During the night, a purse was made up, and a wagon sent to Painesville and a barrel of wine procured, and then it was a *time*." * *

* "All the latter part of the night, I took care of Samuel H. Smith [brother of the prophet] perfectly unable to help himself. And I had others removed from the house, because they were unfit to be in decent company."¹⁴

Another informant who was there, a saint then residing in Kirtland, is authority for the statement, that on the same occasion, among those whose excessive indulgence in consecrated sacramental wine, resulting in intoxication, were the prophet Joseph Smith, president Sidney Rigdon, and apostle William Smith, the prophet's brother, the latter being too drunk to walk, was literally carried home. Intoxication was not exceptional with "apostle Bill," as he was familiarly known by some associates, but was almost habitual.¹⁵

When bacchanalian debauchees, considered the elect of God, resort to consecrated alcohol for inspiration, conducting their sacred orgies in a place, miscalled "the temple of the Lord," we must expect that fantastic scenes will be impinged upon the spiritual eyes of those who are mystic degenerates, when their abnormal minds, with the added feverishness of a drunkard's delirium, are working under the pious suggestions of carousing frauds. Fortunately, some description of what was claimed then to have been seen and heard in the Kirtland Temple, has been preserved to us in the autobiography of Joseph Smith, published by his church. The gift of tongues spoken of, is a gift to talk by unknown languages.

Sylvester, one of the prophet's brothers, is reported to have jumped up in the meeting, exclaiming, "the horsemen of Israel

and the chariots thereof!" presumably imagining he saw them. The prophet reports:

"The gift of tongues fell upon us in mighty power, [no wonder] angels mingled their voices with ours, while their presence was in our midst, and unceasing praises swelling our bosoms, for the space of half an hour."¹⁶

At another time, "President F. G. Williams arose and testified, that "while President Rigdon was making his first prayer, an angel entered the window [no breaking of glass is reported] and took his seat between Father Smith and himself, and remained there during the prayer."

President David Whitmer also saw angels in the house. That is what Smith says, Whitmer saw, but long years afterwards, Whitmer denied the whole matter of supernatural visitations, which denial is hereafter quoted:

"President Young gave a short address in tongues and David W. Patten interpreted and gave a short exhortation in tongues himself." Again, "many began to speak in [unknown] tongues and prophesy, others saw glorious visions, and I beheld the temple was filled with angels, which fact, I declared to the congregation." * * * Further, "during our stay we must cleanse our feet and partake of the sacrament, that we might be made holy before him and thereby be qualified to officiate in our calling upon the morrow, in washing the feet of the elders. The Holy Spirit rested down upon us and we continued in the Lord's House all night, prophesying and giving glory to God." In a sermon, there delivered, Joseph said that "this was a year of jubilee to us, and a time of rejoicing and that it was expedient for us to prepare bread and wine sufficient to make our hearts glad, as we should not probably leave this house until morning; to this end, we should call on the brethren to make a contribution. The stewards passed around and took up a liberal contribution, and a messenger was dispatched for bread and wine. The brethren continued exhorting, prophesying and speaking in tongues, until five o'clock in the morning. The Savior made his appearance to some, while angels ministered to others, and it was a Pentecost and an endowment, indeed, long to be remembered, for the sounds shall go forth from the place unto all the world, and the occurrences of this day, shall be handed down upon the pages of sacred history, to all generations."¹⁷

There is another version of these prophecies, blessings and talking in tongues, by one who was present, but has since become spiritually blind, and he tells us how this great event, upon which depends the divine authority of the higher degrees of the mormon priesthood, appears to worldly eyes. Says Professor Turner:

"A marvelous spirit of prophecy soon ensued, as might have been expected, which vented itself mainly in blessing their friends and cursing their enemies, in which latter class, the clergy of the day, and the Missouri mob, received their full share." * * * "An eye witness informed the author, that he never imagined that language more awful could be used in the world of despair. Nor did the consecrated wine exhale all its inspiration on that memorable night. For several days, and even weeks, they went from house to house, feasting and prophesying, blessing and cursing, as the occasion might require, until the 'triumphs of faith' were fully achieved and the 'spirit of the Lord' was poured out upon the flesh.'"¹⁸

Benjamin Winchister, another eye-witness to this temple dedication said:

"That ceremony ended in a drunken frolic, one of the worst I ever saw. Joseph Smith became beastly intoxicated, and his father and his brother Hyrum begged that the wine should be taken away, so that the carousal might be stopped as soon as possible. I did not know Joseph to be what is termed a 'common sot,' but that was not the last time I saw him intoxicated.'"¹⁹

David Whitmer, one of the three witnesses to the divinity of the Book of Mormon, and the most honest among the organizers of the Mormon church, while seeming to retain to the end his confidence in the divine origin of the system, and the slave-virtue of humility, taught by it, yet makes this statement about the Kirtland endowment:

"The great heavenly visitation which was alleged to have taken place in the temple at Kirtland, was a great fizzle. The elders were assembled on the appointed day, which it was promised would be a veritable day of Pentecost, but there was no

visitation. No Peter, James and John, no Moses and Elias put in appearance. I was in my seat, on that occasion and I know that the story sensationally circulated, and which is now on the record of the Utah Mormons, as an actual happening, was nothing but a trumped-up yarn. I saw a great many of these things which I knew were not right, but I clung on in patience, trusting everything eventually would be put right."²⁰

By thus preserving the conflicting records of the doings of these temulent men, with thirsty souls, I am fulfilling Mormon prophesy and furnishing the data for studies in the psychology of human gullibility.

In those days and long after, Mormons used wine in the sacrament, though now water is used, and thereby hangs a tale. Very early in Mormonism, when Newel Knight and his wife became converts, it was deemed desirable that they be confirmed in their new faith and partake of the sacrament. Joseph Smith, "the Mouthpiece of God," went out to procure the wine. His established fondness for it, his failure to bring back any, and the explanation offered for failure, all compel me to read between the lines that he drank the wine. In his autobiography, Smith said that he had not gone far from the house, when he "was met by a heavenly messenger" and received a revelation which in part says:

"It mattereth not what ye shall eat, or what ye shall drink when ye partake of the sacrament, if it be so that ye do it with an eye single to my glory. Wherefore, a command I give unto you, that you shall not purchase wine, neither strong drink of your enemies: wherefore you shall not partake of wine, save it be made among you"²¹

Wine, however, continued to be used in the sacrament long after the saints came to Utah. Their congregation were rapidly growing and then, as now, it was their custom to partake of the sacrament every Sabbath day. With the enlarged congregation of the immense tabernacle, this might mean several barrels of wine a week. A revelation, which was originally only intended to secure momentary indulgence to Smith's palate, now became useful to Brigham Young's purse. Water was accord-

ingly substituted for wine, and can be now seen every Sunday, answering the purpose of wine in the Eucharist.

While the Mormons were located in Nauvoo, Illinois, Joseph Smith, the prophet, seer and revelator, who was also mayor, major general of the Nauvoo Legion, and everything else, secured for himself a saloon-keeper's license,²² and opened a saloon in the Mansion House, a "house of boarding" built by revelation, and in which he lived. Since a general ordinance prohibited hotels from selling intoxicants,²³ the above license gave the prophet's hotel a whiskey monopoly. Not being satisfied with this, Smith, later, secured from the municipal authorities, the passage of an ordinance, authorizing him to sell whiskey but prohibiting all others, except by his license.²⁴

The genius who presided over Smith's bar, was none other than that multi-murderer and Danite chief, Porter Rockwell, who, after his career of almost unparalleled crime, died in a Salt Lake City livery stable, while on a drunken debauch. Rockwell started his career, as an aid in Smith's peepstone money digging expeditions in New York before 1830. While an "Elder in Israel" and the prophet's body guard, he used to say that he would lose the spirit and testimony of Mormonism, if not "steamed up."²⁵

Later, one Theodore Turley, asked and received from the prophet a permit to establish a brewery in Nauvoo,²⁶ and it was established just south of the prophet's own saloon and home. Turley it seems, was also a good Latter-day saint,²⁷ who had recently returned from a mission to England.²⁸

Here, in Nauvoo, many holy orgies were indulged, some of them in the Temple, after its completion.²⁹ The Mansion House bar, run by the prophet, was open on festive occasions, such as balls, and it has been told in mitigation of the prophet's wrong doings, that on such occasions, he sometimes prohibited apostolic revelers from taking any more intoxicants, when he observed that they were being affected by over-indulgence. This, however, did not prevent him from too often draining the flowing bowl. As illustrating the want of sanctimoniousness in him, it is told by high churchmen in Salt Lake City, that, when a good brother came to him to be cured of insomnia, by the laying on

of hands, the prophet advised his afflicted follower to get drunk and go to sleep.

Mrs. Pratt, an apostle's wife, says Joseph Smith was a periodical, but not an habitual drunkard. She often saw him intoxicated, and on one occasion, a good brother brought him to her house, to be sobered up with black coffee, because he could not walk home alone. Military parade days, were Joseph's favorite occasions for the enjoyments of intoxication.

At times, Joseph used to preach about his drunkenness, saying: "Brethren and sisters, I got drunk last week and fell in the ditch. I suppose you have heard of it, I am awfully sorry, but I felt very good."³⁰ At another time, he said it was necessary for him to become intoxicated, lest, since he was the prophet of the Lord, people should worship him as a God. Even this did not exhaust the ingenuity of this jovial prophet of fraud, for at another time, he said that several elders had often gotten drunk and had never made confession; but he had become intoxicated, that they might see how it looked and now he confessed his sins, in order to set the elders a good example.³¹

All of this, it will be remembered, occurred years after the prohibitory revelation, and in a city whose population was all but exclusively Mormon, and whose city charter gave them practically all the powers of a State government. Soon after this, the prophet was killed by an enraged mob, and the enforced migration to the west, began, resulting in the settlement of the Salt Lake Valley.

The Mormons arrived in Salt Lake Valley, July 20, 1847, before the treaty of Guadalupe Hidalgo, by which they were again brought within the jurisdiction of the United States. On March 15, 1849, a gathering, assuming to be a constitutional convention, met in Salt Lake City, and in three days, had adopted a Constitution for the "Provisional Government of the State of Deseret."

The first liquor legislation of these peculiar people, was the act of the general assembly, passed March 28, 1850, by which was provided a maximum criminal fine of \$500, and forfeiture of stock in trade, for the sale, trade or "gift of spirituous liquor to any Indian, without having a license."³² How, and

from whom this license was to be procured, is not indicated, and absolute silence is maintained as to all liquor traffic except with the Indians. In July, "the ordinance concerning revenue" was passed, providing for a fifty per cent. ad valorem tax on intoxicants.³³ This act seems to have been in force but a very short time, since it cannot be found in the published laws of the fifties.

In February, 1851, the general assembly of the state of Deseret again convened, the Mormon people not yet having determined to submit to the jurisdiction of Congress, which had passed the Organic Act, taking effect September 9, 1850. When later, submission was decreed, all legislative acts of the state of Deseret were adopted by the legislature of the territory of Utah. In addition to the acts, above described, was another of February 12, 1851. This act prohibited the establishment of any distillery within the state, except with license first procured. A violation of this prohibition, subjected the person to a confiscation of all "property thus invested," and "a fine, at the discretion of the court," without putting any limitation on the discretion. Another section of the act gave the governor, (Brigham Young) unlimited authority to license and impose restriction on the licensee.³⁴ Such grant of legislative power, Brigham knew well how to use to his own advantage. This law prohibited only the manufacture of "spirituous liquors" without a license, and put no restriction whatever upon the sale of imported intoxicants.

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- (1) *Chicago Inter Ocean*, Nov. 17, 1886. See also 33 *Saints Herald*, 794.
 - (2) "Doctrines & Covenants," Sec. 89.
 - (3) See pamphlet "Word of Wisdom," p. 2.
 - (4) "The Word of Wisdom," by Brand, p. 3.
 - (5) "Origin and Progress of Mormonism," p. 12.
 - (6) Howe's "Mormonism Unveiled," p. 261-2.
 - (7) "The Myth of the Manuscript Found," p. 50.
 - (8) "The Myth of the Manuscript Found," p. 55.
 - (9) Supplement to 14 *Millennial Star*, p. 4.
 - (10) *Gospel Reflector*, p. 176.
 - (11) 15 *Millennial Star*, p. 12.
 - (12) "Gleanings by the Way," p. 343.
 - (13) "History of Mormons," p. 107, also "Mormons Own Book," XLI.
 - (14) "Mormon Portraits," Wyl., p. 308.
 - (15) "Mormon Portraits," p. 309-310.
 - (16) 15 *Millennial Star*, p. 621.
 - (17) 15 *Millennial Star*, pp. 726-7-8.
 - (18) "Mormonism in All Ages," p. 41, and Corroll's "History of the Church

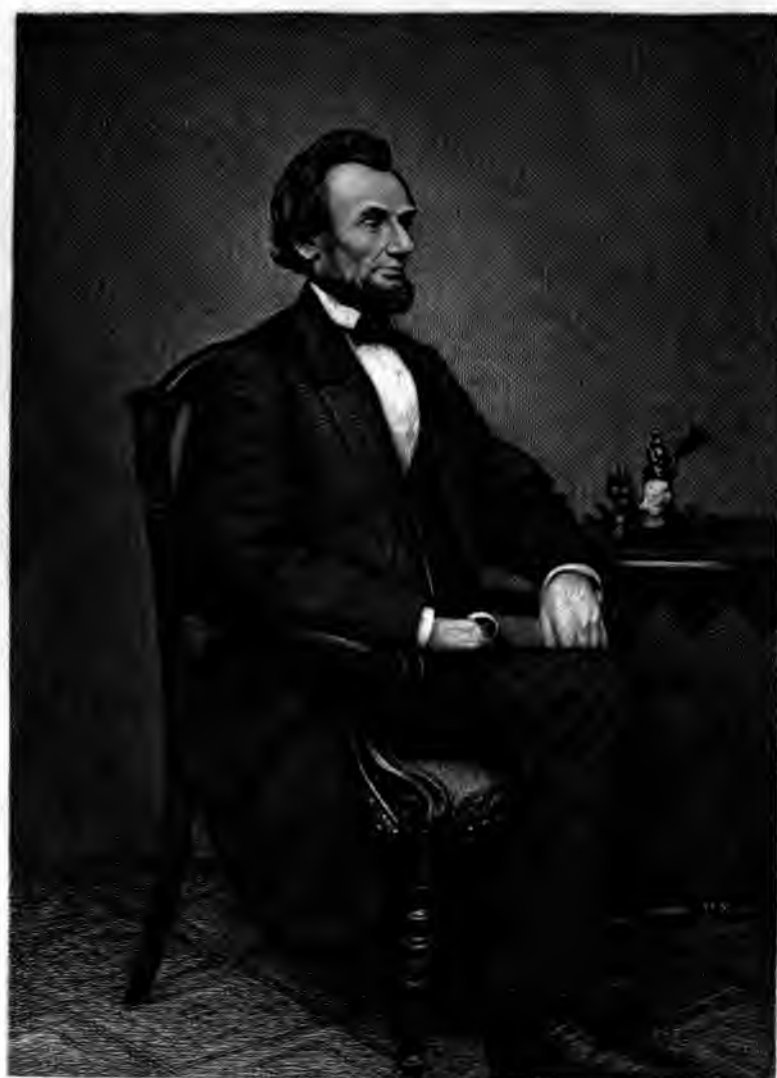
- of Jesus Christ, Latter Day Saints," p. 23.
 (19) *Salt Lake Tribune*, Sept. 22, 1889.
 (20) *Chicago Inter Ocean*, Nov. 17, 1886, as corrected in 33 *Saints Herald*,
 p. 794.
 (21) Supplement to 14 *Millennial Star*, p. 37; "Doctrines & Covenants,"
 Sec. 27. Early Christians also used water for wine in the sacrament; see Ross'
 "View of all Religions," pp. 196-209.
 (22) 22 *Millennial Star*, p. 439.
 (23) 3 *Times & Seasons*, p. 766.
 (24) 22 *Millennial Star*, p. 647.
 (25) "Mormon Portraits," p. 22.
 (26) 20 *Millennial Star*, p. 647.
 (27) 1 *Times & Seasons*, p. 73.
 (28) 2 *Times & Seasons*, pp. 228-233.
 (29) "Endowment House," and "Mormon Portraits."
 (30) "Mormon Portraits," p. 22.
 (31) "The Mormon's Own Book," p. 33. Caswell's "City of the Mormon's,"
 pp. 50-51.
 (32) "Laws of Utah," 1855, Chap. 5, Sec. 1, p. 63.
 (33) *Deseret News*, July 6, 1850, p. 31.
 (34) "Laws of Utah," 1855, Chap. 20, p. 108.

(To be continued.)

A PICTORIAL LIFE OF LINCOLN

ADDITIONAL interest attaches to the Lincoln portraits, published in this number of the American Historical Magazine, by reason of the article on "Douglas, Lincoln, and the Nebraska Bill," which reviews the famous controversy between Lincoln and Douglas, and its results.

The two portraits of Lincoln presented in this connection represent the President in the prime of his life. One of them, the seated figure, is of exceeding value, being a reproduction from a plate from which there were only a few signed copies printed at the time it was made. The cartoon which accompanies the two portraits, as coarse as it may now appear, was regarded at that time as a very striking and effective exposition of the opinions held by a considerable element in the country regarding Lincoln and his attitude towards slavery. In this respect it throws some light upon the subject of the slavery debates which are treated in the article just referred to.



Etched by Charles W. Peck 1864

LOYALIST BALLADS OF AMERICAN REVOLUTION

BY DON E. MOWBY

FROM an historical, as well as a literary point of view, the loyalist ballads of the American Revolution are of unusual interest. This is largely because they are very rare, when contrasted with the abundance of revolutionary songs and ballads. And, by careful study, an opportunity is offered for an almost exact picture of the revolutionary sentiment. However, this decided lack of loyal ballads is due partly to the fact that the supporters of the king were decidedly in the minority, but more especially to the fact that the tories were generally apprehended by the patriots, and their property confiscated.¹ This aggressive action on the part of the American colonists, made secrecy, in the matter of all written sentiments and expressions, an absolute necessity for the loyalists.² The black lists³ of tories lent much terror to the literary cause of the supporters of the crown. In New Jersey, a veritable hot-bed of toryism, we have a very common method employed with the supporters of the king illustrated in the following verse, taken from a ballad entitled, "A Tory:"

"So they gave it out that the Tory, he
With feathers and tar should coated be,
Unless in the church confession he made
Of his Toryism and promptly obeyed."⁴

So fearful were some publishers that they often gave excuses when publishing loyal literature.⁵

1. Example, Davis: "Confiscation of John Chandler's Estate."

2. Myers, "Tories and Loyalists," 1865.

3. Johnson, "Black List of Tories." (Private Edition, 1865, in Wisconsin Historical Collection).

4. Platt, "Ballads of New Jersey," p. 31. Also "McFingal," by Trumbull, Canto, III, pp. 66-68, in his edition of 1782.

5. Moore, "Songs and Ballads of the Revolution," p. 374.

Both the loyal and the revolutionary ballads are rarely more than mediocre, often inferior and even doggerel, poetry. We cannot help noticing that the times were "stirred up with much excitement" when this form of verse appeared in America. Literary style was not the aim. Perfection, from the standpoint of the critic of letters was far from the minds of the writers, but, perfection that was sharp and cutting, even if words and expressions were used that were not in good form, was the end sought.

It is interesting for those of us who are able to read a considerable number of the loyal writers to notice that they were much inclined to reflect in their ballads; to show, in a word, that the colonists were fool-hardy in attempting to gain their independence; to sneer at the so-called French alliance; to frighten the Americans by emphasizing the strength of "Old England," and to jeer the prominent men in the cause for freedom.¹ These loyal ballads were sung to English and American airs. In those that have come into my possession, I have noticed a strong tendency to copy, by way of parody, the familiar air, "Yankee Doodle."²

It was only when the British troops were camped in a locality for some time that the tories had an opportunity to fearlessly sing loyal ballads. The winter quarters of the British around Philadelphia, in 1778, made possible a liberal addition to our loyalist ballad collection.³ During this particular period, songs that were not aggressive were considered "scurrilous verses," and "were calculated to do more harm to the king and country than the defeat of one-half of the army. Such moderate writers ought to have a cord for their meditation." Inasmuch as the loyalists looked with contempt upon the revolution, on account of their own wealth, had a firm conviction that they were right, expected to be on the winning side and regarded the revolutionary cause as worthy of nothing but contempt, we must expect the trend of thought to be along these lines.

1. Such as Washington, Lea, Putnam, William Livingston, Morris, Adams and Paine.

2. For versions see Farmer-Morris, "Historical Collection of New Hampshire," Vol. III, p. 157.

3. See the Pennsylvania Ledger for 1778. This contains the best examples.

Few ballads of the earlier Indian wars were remembered and used during this epoch. Perhaps the most typical one, "Hot Stuff,"¹ by a Grenadier,² was sung more than any other. The racy ballad has some patriotic worth, but does not warrant mention. "A Parody,"³ however, appeared in 1768 which is one of the best we have on the well known "Liberty Song,"⁴ so popular with the patriots. The first verse of each ballad will suffice to show the merit of the parody. The first verse of "The Liberty Song" reads:

"Come join hand in hand brave Americans all,
And rouse your bold hearts at fair Liberty's call;
No tyrannous acts shall suppress your just claim,
Or stain with dishonor America's name.
In freedom we're born, and in freedom we'll live;
Our purses are ready,
Steady, Friends, steady,
Not as slaves, but as freemen our money we'll give."⁵

The parody is expressed thus:

"Come shake your dull noodles, ye pumpkins, and bawl,
And own that you're mad at fair Liberty's call;
No scandalous conduct can add to your shame,
In folly you're born, and in folly you'll live;
To madness still ready,
And stupidly steady,
Not as men, but as monkeys, the token you give."⁶

With the opening of the Revolution, then, the loyalist ballad began to appear in real earnest. Among the first that may be mentioned is "Castle Island," which appeared just after the Boston Massacre.⁷ It was enjoyed by the friends of arbitrary power, and especially by the soldiers stationed at Castle

1. Dawson's *Historical Magazine*, Vol. II, p. 164.

2. Edward Bolwood of the 47th Grenadiers.

3. *Boston Gazette*, Sept. 26, 1768.

4. Moore, "Songs and Ballads of the Revolution," p. 37.

5. *Boston Gazette*, July 18, 1768. Mr. Otis was a frequent contributor to this paper.

6. Moore, "Songs and Ballads of the Revolution," p. 41.

7. March 5, 1775.

Island.¹ The song is short (only four verses), but it is suggestive of the loyal spirit.

"You simple Bostonians, I'd have you beware,
Of your Liberty Tree, I would have you take care,
For if that we chance to turn to the town,
Your houses and stores will come tumbling down."²

When William Franklin, governor of New Jersey, addressed the legislature, warning its members not to sanction certain proceedings connected with the dispute existing between England and her colonies, lieutenant-governor Colden of New York followed his example. This double refusal was looked upon as a loyal victory, and a ballad appeared in the *New York Gazette*, that has been attributed to the editor, Mr. Rivington.³ The first verse (here quoted) is aimed at Isaac Sears, a New York Merchant, a zealous "son of liberty."

"And so, my good master, I find 'tis no joke,
For York has stepped forward, and thrown off the yoke
Of Congress, Committees, and even King Sears
Who shows you good nature, by showing his ears."⁴

One of the few unknown ludicrous ballads was aimed at Washington. When he went to Cambridge to take charge of the continental forces, he delivered a proclamation. The quotation cited here from "The Trip to Cambridge," endeavors to bring out the funny side of his proclamation.

"Upon a stump, he placed (himself),
Great Washington did he,
And through the nose of Lange Close⁵
Proclaimed great Liberty."⁶

1. Castle Island, where the British Castle William was situated. In 1798 it was ceded to the United States and was named Fort Independence by President Adams.

2. Moore, "Songs and Ballads," p. 51.

3. For Rivington's verses see Griswold's "Curiosities of American Literature," pp. 23-25.

4. Moore, "Songs and Ballads," p. 77.

5. Major Lea.

6. Moore, "Songs and Ballads," p. 99.

"The Whig," smacks of the hot, aggressive tory spirit, although it is attributed to English writers:

"Would you know what a Whig is, and always was?
I'll show you his face, as it were in a glass.
He's a rebel by nature, a villain in graw,
A saint by profession, who never had grace.
Cheating and lying are puny things;
Rapine and plundering vernal sins;
His great occupation is ruining nations,
Subverting of crowns and murdering kings."¹

An exceedingly popular ballad which appeared the next year, 1776, was "Burrowing Yankees." A typical verse reads:

"And the time will come when your whole rebel race
Will be drove from the lands, nor dare show your face;
Here's a health to Great George, may be fully determine,
To root from the earth all such insolent vermin."²

An illustration of a very poor ballad is here quoted from "Liberty's Choice, or The Rival Suiters," which appeared after Howe's threatening vengeance on the Americans in his proclamation.

"Fair Liberty came o'er
Through her Britannia's aid,
And on this savage shore
With sweet complacence stray'd:
Britannia's standard was her own;
For Liberty by her was known."³

"The Congress" song, which first appeared in *Towne's Evening Post*, is, in some points of humor, amusing. This will illustrate:

"Those hardy knaves and stupid fools;
Some apish and pragmatic mules;
Some servile acquiescing tools;
These, these compose the Congress."⁴

1. *Rivington's Royal Gazette* for Jan. 26, 1775.

2. Moore, "Songs and Ballads," p. 129.

3. Sargent, "Loyal Poetry," p. 63.

4. Moore, "Songs and Ballads," p. 145.

The two great writers of loyalist ballads are Joseph Stansbury¹ and Jonathan Odell.² The latter has been called the "Philip Freneau of the Tories."³ His satires are polished and powerful, and above all, sincere in their opposition to the war. Joseph Stansbury, while of lesser importance as a literary man, contributed many loyal ballads. His welcome to Howe, on his arrival,⁴ is well expressed. He says:

"He comes, he comes, the hero comes:
Sound, friends your trumpets, beat your drums;
From port to port let cannon roar
Howe's welcome to this western shore."⁵

With American success in the year 1777, we are not surprised to notice a marked decrease in loyal efforts. In fact, it is exceedingly hard to find any of real merit. "The Carpet Knight," by Joseph Stansbury, is little more than ordinary, in point of style, and lacks much spirit which the first verse illustrates conclusively.

"Late a council of gods from their heavenly abodes
Were called on Olympus to meet;
Jove gave his commands from his throne in the sky:
Attend and his words I'll repeat:
Ye know, all ye pow'rs that attend my high throne,
Your will to my pleasure must bow;
I will that those gifts which you prize as your own
Shall now be bestowed on my Howe."⁶

"The Fourth of July,"⁷ which has been attributed to a certain R. Chub, as well as to Jonathan Odell, was written to commemorate a daring attack that was made against the widows of the Quakers, but was unsuccessful on account of the brave defence of the tories and British soldiers.⁸ A random verse reads:

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1. Sabine, "Loyalists of the American Revolution," Vol. II, p. 325.
 2. Ibid., p. 122.
 3. Bronson, "History of American Literature," p. 63.
 4. June, 1777.
 5. Sargent, "Loyal Verses of Stansbury and Odell," p. 10.
 6. Stone, "Burgoyne Ballads," p. 94.
 7. Sargent, "Loyal Verses," p. 14.
 8. Ibid., pp. 14-15.

"The Quakers and the Tories
Sustained the honors of the night,
And still their poor, unshatter'd stones
Hang zig-zag trophies of their might."¹

With the advent of the French alliance and the successes of the British, in 1778, many loyal ballads were called forth at Philadelphia, and the Quaker city became the center of toryism during the winter of 1778. The protection which was now possible, brought forth some interesting ballads. The constant success of the British army and the depressed condition of the American army, gave the tories an opportunity to be haughty and aggressive. A bold song, outranking many others in point of sentiment, is one written by an officer² of the British army entitled, "The Rebel." The closing verse reads:

"May Congress, Conventions, those damn'd inquisitions,
Be fed with hot sulphur, from Lucifer's kitchen,
May commerce and peace again be restored,
And Americans own their true sovereign lord."³

A conservative opinion of the British strength, written by an American, appeared in the *New York Gazette*⁴ under the title of "British Light Infantry." One of the typical verses reads:

"To battle prepared in their country's just cause
Their king to avenge and support his laws;
As fierce as a tiger as swift as a roe
The British Light Infantry rush on the foe."⁵

The minstrel press of the times was active and took every possible chance to ridicule the leaders of the popular cause, their movements for freedom's cause, and their ill-successes. The verses were published in a ballad sheet and posted in Philadelphia and New York. In October, 1778, "An Epilogue,"⁶ appeared in this manner. We have, during this

1. *Pennsylvania Ledger*, Dec. 10, 1777.

2. Capt. Smith of Sincoe's Queen's Rangers. He wrote other verses of some worth.

3. Moore, "Songs and Ballads," p. 197.

4. *Rivington's Royal Gazette*, Dec. 12, 1778.

5. Moore, "Songs and Ballads," p. 112.

6. Moore, "Songs and Ballads," p. 220.

period of British victories, ballads called forth to emphasize a victory, to deride the Americans, and to show the little aid that was being rendered by the French. It is during this short time of English ascendancy that loyal ballads are most frequent. One noticeable verse which is taken from a ballad entitled "The British Light Infantry," written to bring again to view the night surprises of Wayne and Baylor, is as follows:

"Hark, hark, the bugle's lofty sound
Which makes the woods and rocks around
Repeat the martial strain,
Proclaim the light armed British troops
Advance—Belond, Rebellion droops;
She hears the sound with pain.¹

The unsuccessful attempt of the French to dislodge the English from Newport, (July, 1778), called forth a pleasing bit of ballad literature generally known as "Yankee Doodle's Expedition to Rhode Island."

II.

Begar, said Monsieur, ne grand coup
You shall bientot behold, sir,
This was believed as Gospel true,
And Jonathan felt bold, sir.

IX.

As Jonathan so much desired,
To shine in martial story,
D'Estaing with politesse retir's
To leave him all the glory.

XI.

He left him what was better yet,
At least it was more, sir,
He left him for a quick retreat,
A very good excuse, sir.²

1. Sargent, "Loyal Verses," pp. 80-81.

2. *Rivington's Royal Gazette* for Oct. 3, 1778.

"The Siege of Savannah,"¹ appeared after the English victory in the south. "The Battle of the Kegs," written by an American, the well-known Francis Hopkinson,² was occasioned by the successful warding off, on the part of the British, of certain machines in the form of kegs, that were sent down the river to annoy the shipping.³ It is written to be sung to the famous American tune. A verse reads:

"The kegs, 'tis said, though strongly made
Of rebel staves and hoops, sir,
Could not oppose the powerful foes,
The conquering British troops, sir."

"A Congratulation" cajoles Congress because the taxes are unpaid, "though payable in rags."⁴ "A Song of the Times"⁵ maintains that, in spite of the French assistance, the rebellion is drawing near a close. Loyal associations were formed during the Revolution and were generally the scene of joviality. The Church and the King was one of these associations, and on one occasion Joseph Stansbury delivered a cheap, light and flippant ballad before the club, the title of which was the same as the name of the association.⁶ One can imagine how well it took with the audience. Here is a verse:

"Come honest Tories, a truce with your politics,
Hoc Age tells you in Latin as much;
Drink and be merry, a melancholy nix;
'Tis de same ting, do I speak it in Dutch."

In 1779, a few ballads of merit appeared. During the year, in *Rivington's Royal Gazette*, "A new Song," "A New Ballad," and "The Recess"⁷ were published. The last named ballad is attributed to English sources but was adopted by loyal Americans. It seems worthy of quoting:

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1. Sargent, "Loyal Verses," p. 45.
 2. Trimble, "Hand Book of American Literature," p. 403.
 3. Stedman-Hutchinson, "Library American Literature," Vol. III, p. 244.
 4. Sargent, "Loyal Verses," p. 45.
 5. *Rivington's Royal Gazette*, Nov. 13, 1778.
 6. Stone, "Burgoyne Ballads," p. 97.
 7. Moore, "Songs and Ballads," p. 278.

"We swear the transatlantic folks
 Shall all obey our orders,
 While they turn all we do to jokes,
 And cry out 'guard your borders.' "

"A Medley for the Light Infantry" is a worthy attempt.¹ "The Sacrifice" and "The Old Year and the New," appeared in January of this year, (1779).² "The Town Meeting," by Joseph Stansbury, is an historical ballad, clear but bitter, written just after the proceedings at Philadelphia.³ The part here noted is from the second canto.

"Then Hutchinson, that great bull-calf—
 A gander has more brains by half—
 In croaking, froglike note
 Approved the motion, and demands
 The people's sense, by shew of hands,
 To save or damn the vote."⁴

During the year 1780, we have ballads of a nature that seems to tend to bring before the people a realization of their present danger. "An Appeal" is typical. It asserts that the old English cause knocks at everyman's door. It is addressed to the rich as well as to the poor. The supremacy of the pope is depicted as a sure consequence of the success of the French in America.⁵ At Charleston, after the siege, several verses of ordinary merit were written. Yet, these are hardly worthy of special mention. Perhaps one of the most famous ballads is that by Major Andre,⁶ entitled, "The Cow Chace." The untimely and brave death of the major has given this ballad more praise than is really due it. A characteristic verse reads:

1. Sargent, "Loyal Verses," p. 82.

2. *Ib.*, p. 102.

3. March 24, 25, 1779.

4. Sargent, "Loyal Verses," p. 43.

5. In *Rivington's Royal Gazette*, during this year, 1780, appeared the following which illustrates the point: "The clergy and selectmen of Boston paraded through the streets after a crucifix and joined in a procession in praying for a departed soul out of purgatory; and after this they gave examples of Congress and other American Leaders, on a former occasion at Philadelphia, some of whom, in the height of their zeal, even went so far as to sprinkle themselves with what they called holy water."

6. Sargent, "Life of Major Andre," 1867.

"Oh curs'd rebellion, these are thine,
Thine are these tales of woe;
Shall at thy dire insatiate shine,
Blood never cease to flow!"¹

A verse by him after his captivity reads:

"And I forlorn, implore thine aid,
To free the sacred grove;
So shall thy prowess be repaid
With an immortal's love."²

A ballad that deserves mention as being clear in emphasizing the dangers of the alliance with France, is "Mary Cay or Miss in her Teens." While it is considered English, in the strict sense, its odd way in bringing about the desired effect, makes it worth mentioning in connection with ballads which aim to please the loyalist. Mary Cay (America) stole from her mother (England) some fine sugar plums (illicit colonial trade) and was soon after discovered and trounced. Sammy (Samuel Adams) insisted that she ought to be a queen and no longer obey her mother. The two plotted and managed to get other members of the school to help them. Mary's mother was forced to call on Dick and Will (the Howes) to "teach the wench her duty." Jack (Burgoyne) was sent "across the pond" to take her from the rear, but was mobbed by Mary's supporters. Dick and Will gave her a cuff or two, and finally got her into her hell-room (Philadelphia). Jack's disaster aroused the neighbors, and Puff and Barber (France and Spain) were extremely civil. The Barber began to flatter Mary and "owned that she was right." Encouraged, Mary "grew very stout," and her mother was forced to call in Harry (Clinton) to whom was left the duty of taming the shrew. In time, Mary saw that she was being deceived by her new friends, that they were working for their own interests, and she wheeled around and escaped from her betrayers. The ballad³ is written to be sung to Yankee Doodle, and was very popular.

1. Moore, "Songs and Ballads," p. 305.
2. The gallant act of Andre's captors called forth "Brave Spalding and his Men." See *Cyclopedia American Literature*, Vol. I, p. 459.
3. Sargent, "Loyal Poetry," p. 109.

"A New Year's Day" is an ordinary ballad which was one of the very few that appeared in 1781, both in England and America, in the anti-minstrel papers. A somewhat witty ballad, by Joseph Stansbury, is called "Invitation." One of the verses on congress does not betray a fall in the loyal spirit.

"To members of Congress and Councils of State.
By Resolution who have become right and great;
The progress of the cause is lighter than cork.
Then quit your home and come hither to York."

It is with great interest that a good ballad can be found that was written by the war-torn. The "Letter" appeared in the Overland paper as a contribution of a supposed Jonathan, a prisoner taken by the British and a member of Philadelphia. The real author of the letter is said to be that the editor did not want to be responsible for its publication, especially at this late hour of the war. It was published, however, after the success of the "Letter" was known. It may have been the first step in the success of the American paper.

"A New Year's Day"¹ is an ordinary ballad which was one of the very few that appeared in 1781, both in England and America, in the anti-minstrel papers. A somewhat witty ballad, by Joseph Stansbury, is called "Invitation." One of the verses on congress does not betray a lull in the loyal spirit.

"Ye members of Congress and Councils of State,
By Rebellion who hope to become right and great;
The prospect, tho' bulky, is lighter than cork,
Then quit it in time and come hither to York.'"²

It is with great difficulty that a good ballad can be found that was written in the year 1782. "The Letter" appeared in the loyalist paper as a letter from a dejected Jonathan, a prisoner taken in South Carolina, to a brother in Philadelphia. The real truth of the matter seems to be that the editor did not want to be responsible for its publication, especially at this late period in the revolutionary war. It was published, however, after the successful campaign in the south. It may have been that the editor predicted the ultimate success of the American forces. It starts out by saying:

"Then Congress must bend,
We shall fall in the end,
For the curs'd British serpents are tough.
But I think as you find,
I have enough penn'd
Of such cursed, such vexatious stuff.'"³

Thus it seems to me that, while a chronological review of the loyal ballads of the American Revolution does not represent an exact picture, from an historical point of view, at the same time, sufficient light is thrown upon the scene to give us a good idea of the effect of these ballads upon the thought of the times. And, in reading of them in this imperfect way, we become more and more in sympathy with the plain historical facts as related to us by the historians.

1. Moore, "Songs and Ballads," p. 343.

2. Sargent, "Loyal Verses," p. 71.

3. Moore, "Songs and Ballads," p. 374.



ROBERT BRUCE.

(From the picture at Taymouth by Jamieson.)

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER FIVE

BRUCES OF CLACKMANNAN, CULTMALINDIE AND CAITHNESS

AN important chapter in the history of the Bruce family is that dealing with the distribution of the various branches throughout the mainland of Scotland and the adjacent islands. The name became conspicuously identified not only with Scotland, where the younger branch settled in the eleventh century and was most famous, but also with England where the same branch, as well as the elder, has given to public life many distinguished men and women. The branch from which the American Bruces came adhered to its early Scotch habitat. For several generations immediately after King Robert Bruce I., its representative was established at Clackmannan, one of the great Bruce's castle homes. Then toward the close of the fifteenth century a cadet of the house moved to Cultmalindie, in Perthshire, marrying into one of the leading families of that section.

Both in Clackmannan and in Cultmalindie those branches of the family became noted and for generations were actively and substantially identified with the life of those localities. Particularly the Bruces of Clackmannan were numbered among the great noble houses for several centuries. The heads of the house were active and influential in all public affairs and worthily carried the honors of their distinguished ancestors.

Nearly a hundred years later, the head of this branch went to Shetland, thus reverting to the ancestral home of the Bruces more than five hundred years before. This re-establishment of the Bruces in Shetland and Orkney was of an especially interesting character. In 1565 the crown lands of the old earldom of Orkney and Caithness were conferred by royal grant upon Sir

Robert Stewart of Strathdon who subsequently was created earl of Orkney and lord of Zetland (Shetland). This earl Stewart was an elder half-brother, on his mother's side, of Laurence Bruce of Cultmalindie in the parish of Tibbermore, county of Perth.

One branch of Laurence Bruce's family remained in Shetland and Orkney where ever since it has been numerous and strong. The elder branch clung to the old home in Cultmalindie until the close of the seventeenth century when the eldest son of the main line moved to Caithness, another locality which by virtue of brilliant historical associations clearly pertains to the Bruces. There Robert Bruce, the grandfather of George Bruce of Edinburgh and New York, was born in the little village of Watten on the banks of Loch Watten, the largest lake in the district. There also were born his son John Bruce, father of George Bruce, and his grandsons who carried the family name to distinction in the western world.

XXII

ROBERT BRUCE, tenth of the name, son of King Robert Bruce, was created earl of Ross by his elder half-brother, King David II., after the death of William, the third earl of Ross.

He was killed in the battle of Dupplin August 11, 1332.

He married Helen Vipont, daughter of Captain Allan Vipont, of Lochleven.

Issue:

1. *Robert Bruce*, of whom below.
2. Marie Bruce, who married Sir Alexander Scrimgeour of Dudhope.

XXIII

ROBERT BRUCE, eleventh of the name, son of Robert and Helen (Vipont) Bruce, is on record as having received the castle of Clackmannan from King David II., the charter, dated December 9, 1359, being to "delicto et fideli consanguineo suo Roberto de Bruys." By this charter Bruce received the castle and manor of Clackmannan, Gyrmanston, Garclew, Wester Kennault, Pitfolden, and other lands in the sheriffdom of Clackmannan. In October 1364 he had other grants in the same sheriffdom and in January 1367-68 lands in Rait within the sheriffdom of Perth.

He was killed in the battle of Shrewsbury July 23, 1403.

He married Isabel Stewart, daughter of Sir Robert Stewart of Roslyth or Rosyth castle.

Issue:

1. *Robert Bruce*, of whom below.
2. Edward Bruce, ancestor of the Bruces of Airth, Earlshall, and Stenhouse.
3. Alexander Bruce, ancestor of the Bruces of Garbot.
4. James Bruce, Bishop of Dunkeld, 1441, and High Chancellor of Scotland, 1440; died in 1447.
5. Helen Bruce, who married David Ross of Balnagowan

XXIV

ROBERT BRUCE, twelfth of the name, son of Robert and Isabel (Stewart) Bruce, was the second baron of Clackmannan. In 1393, he received the lands and castle of Rait or Raith by charter from King Robert Bruce III. who called him "my beloved cousin."

He died in 1405.

He married a daughter of Sir John Scrimgeour of Dudhope, constable of Dundee castle. Sir John Scrimgeour was constable before 1400, under Alexander, earl of Ross, lord of the Isles and baron Kincardine. His father, Sir James Scrimgeour, fell in battle at Harlaw, fighting under Alexander, earl of Mar, against Donald, lord of the Isles, July 24, 1411.

Issue:

1. *David Bruce*, of whom below.
2. John Bruce.
3. Patrick Bruce.
4. Thomas Bruce.

XXV

DAVID BRUCE, of Clackmannan castle and manor, son of Robert Bruce preceding, was the third baron of Clackmannan.

He married Jean Stewart, daughter of Sir John Stewart of Innermeath and Lorn.

Issue:

1. *John Bruce*, of whom below.
2. Patrick Bruce, 1449.
3. James Bruce, 1450.

XXVI

JOHN BRUCE, son of Robert and Jean (Stewart) Bruce, was the fourth baron of Clackmannan.

He married Elizabeth Stewart, daughter of Sir David Stewart of Rosyth castle.

Issue:

1. David Bruce. He was knighted by King James IV. He married, first, Janet Stirling, daughter of Sir William Stirling of Keir; second, Marion (Herries) Stewart, daughter of Sir Robert Herries of Terreagles, and widow of David Stewart of Rosyth.

2. *Robert Bruce*, of Cultmalindie, of whom below.

XXVII

ROBERT BRUCE, second son of John Bruce preceding, was of Cultmalindie, parish of Tibbermore, County of Perth.

He died in 1508.

He married, in 1475, Janet Barbour, daughter of John Barbour of Cultmalindie, and by this marriage received half of the Cultmalindie lands.

XXVIII

HECTOR BRUCE, son of Robert and Janet (Barbour) Bruce, succeeded his father at Cultmalindie.

He died in 1535.

He married, January 19, 1502, Gelis Wardlaw, daughter of John Wardlaw.

XXIX

JOHN BRUCE, son of Hector and Gelis (Wardlaw) Bruce, was also of Cultmalindie.

He died in 1569.

He married Euphame of Elphinston, daughter of Alexander, the first baron of Elphinston.

Issue:

1. *Lawrence Bruce*, of whom below.
2. Robert Bruce, who is traditionally said to have been the father of William Bruce of Symbister.
3. Henry Bruce.
4. James Bruce.

XXX

LAWRENCE BRUCE, of Cultmalindie, son of John and Euphame (Elphinston) Bruce, went to Scotland in 1571. His uterine brother, Lord Robert Stewart, appointed him underfowde of the earldom in the Shetlands and Orkneys, an office corresponding to that of governor. That appointment determined him to make his home in the islands, and accordingly he went thither with his family, establishing his residence on the island of Unst. He became a large owner of lands on that and other islands, and in 1598 he commenced building the castle of Muness on the island of Unst, a work that was completed by his son, Andrew Bruce. In August, 1614, the privy council appointed him a commissioner to apprehend any of the rebels from Orkney who might seek shelter in Shetland.

He died in August, 1617.

He married, first, Helen Kennedy, daughter of Alexander Kennedy of Girvan Mains; second, Elizabeth Grey, daughter of Patrick, the fifth lord Grey, by whom he had no issue.

Issue of Lawrence and Helen (Kennedy) Bruce:

1. *Alexander Bruce*, of whom below.
2. Andrew Bruce, who succeeded to the paternal estates in Shetland. He died February 12, 1625. He married, in 1600, Isabel Sinclair, daughter of Malcolm Sinclair of Quendael.
3. Helen Bruce, who married in 1588, Adam Sinclair.
4. Margaret Bruce, who married Alexander Fordyce.
5. Marjory Bruce, who married Malcolm McInroy.
6. Elizabeth Bruce.

XXXI

ALEXANDER BRUCE, of Cultmalindie, son of Lawrence and Helen (Kennedy) Bruce, had a charter of confirmation March 24, 1587, securing to him the lands of Cultmalindie granted to him by his father.

He died October 23, 1624.

He married, December 15, 1568, Jean Oliphant, daughter of Lawrence, the fourth Lord Oliphant.

Issue:

1. Lawrence Bruce.
2. *George Bruce*, of whom below.
3. Alexander Bruce.
4. Helen Bruce. She married, first, Robert Moray, fiar of Abercairney; second, Malcolm Fleming.
5. Barbara Bruce, who married David Smith.
6. Jean Bruce. She married Hugh Sinclair and died March 8, 1644.
7. Marjory Bruce. She married John Cheyne and died April 4, 1645.
8. Margaret Bruce.

XXXII

GEORGE BRUCE, of Cultmalindie, son of Alexander and Jean (Oliphant) Bruce, sold his patrimony to James Drummond previous to May, 1667.

He died in 1675.

He married Margaret (Campbell) Stewart, daughter of Robert Campbell of Glenlyon, and widow of Robert Stewart of Balloch.

Issue:

1. Lawrence Bruce.
2. *George Bruce*, of whom below.
3. Jean Bruce.

XXXIII

GEORGE BRUCE, son of George and Margaret (Campbell-Stewart) Bruce, was the first of his family to appear in Caithness. In the parish of Wick, March 10, 1709, he married Anna Sutherland.

XXXIV

ROBERT BRUCE, son of George and Anna (Sutherland) Bruce, was a resident of Watten, Caithness.

On November 2, 1728, he married Janet Sutherland, daughter of George Sutherland by his wife Margaret Bruce.

Issue:

1. *John Bruce*, of whom below.
2. George Bruce, born May 19, 1732.



THOMAS EARL OF ELGIN

XXXV

JOHN BRUCE, son of Robert and Janet (Sutherland) Bruce, was born in Watten, Caithness, April 8, 1730.

He married, January 12, 1764, Janet Gilbertson, daughter of William Gilbertson of Watten. She was probably born in 1740, her baptism being of record October 27 of that year.

GILBERTSON.—The Gilbertson family was originally of North of England antecedents. As the name indicates, it was a branch of the Gilbert stock, Gilbertson being simply the son of Gilbert. The Gilberts were people of distinction, being descended from Gilbert of Normandy, the name, meaning "bright fame," having been given to a crusader. Gilbert of Fontenelle was closely associated with William the Conqueror, while other distinguished representatives of the family were an Auvergnat knight of the second crusade, the English founder of the order of Gilbertine monks, and a Bishop of Caithness. According to the heralds visitation of Leicestershire in 1619, William Gilbert, son of Hugh Gilbert, bore the following arms: gules, an armed leg couped at the thigh, in pale between two broken spears argent, headed or. Crest: a dexter arm embowed in armor proper, the hand darting a broken lance in bend sinister, the point argent, staff or. The Gilbertson coat of arms is identical with the above, proving consanguinity. The crest of the Gilbertson family is a snail in the shell proper.

William Gilbertson moved with his family from the old home in England to Caithness in the early part of the eighteenth century. Births and deaths in his family are recorded in the parish register of Wick which adjoins the parish of Watten, where John Bruce lived. He is there called William Gilbertson of Myrelandorne. He appears to have been a man of standing in the community, and his daughter took a substantial fortune to her husband.

The Bruces and the Gilbertsons of this generation were admirable representatives of the industrious, hard-headed Scotch people who have made names for themselves, not alone in their native country, but in other parts of the world. Although they

came from ancestors who had brilliant records, they prided themselves even more upon their honesty and integrity of character and their love of native land. They contributed well to the life of the little communities in which they lived and their sons and daughters were worthy descendants, who, in their way cast further honor upon the names of their families.

Issue of John and Janet (Gilbertson) Bruce:

1. Elizabeth Bruce, born January 12, 1766.
2. Janet Bruce, born April 15, 1768.
3. David Bruce, born November 16, 1770.
4. Wilhelmina Bruce, born in 1785.
5. John Bruce, who died in Egypt fighting Napoleon.
6. *George Bruce* of Edinburgh and New York, founder of the New York branch of the family; of whom below.

CHAPTER SIX

BRUCES OF KINLOSS, ELGIN, AND KINCARDINE

SEVERAL Bruce families of Scotland and England have ranked high among the nobility of the United Kingdom. Their representatives have been conspicuous in the social life of the periods in which they severally lived and they have rendered their country signal service in affairs of state, in diplomacy, in war, and in literature. One line has been particularly noteworthy, that of Kinloss, Elgin, and Kincardine, which has given to the world several men and women of pre-eminent achievement and which produced Christiana Bruce, who married William Cavendish and was the progenitor of the great dukes of Devonshire.

The branch from which the lords of Kinloss, and the earls of Elgin, Ailsbury, and Kincardine sprang, connected with that from which George Bruce of Edinburgh and New York derived, in the person of John Bruce, the fourth baron of Clackmannan who was in the fifth generation from King Robert Bruce I and who married Elizabeth Stewart, daughter of Sir David Stewart of Rosyth Castle. Sir David Bruce of Clackmannan, the eldest son of John Bruce and his wife Elizabeth (Stewart) Bruce, was knighted by King James IV., and was the immediate ancestor of this noble family.

DAVID BRUCE, son of the preceding Sir David Bruce, became the seventh baron of Clackmannan. In 1497 he married Janet Blackadder, daughter of Sir Patrick Blackadder of Perthshire. He had a family of five sons and four daughters, of whom the most prominent in the next generation was his second son, *Edward Bruce*, of whom below.

EDWARD BRUCE of Blairhall, second son of the preceding, married Alison Reid, daughter of William Reid of Aikenhead, County of Clackmannan, and sister of Robert Reid, bishop of Orkney. He was president of the court of session from 1543 until the time of his death in 1558. He died in France whither he had gone as a commissioner from Scotland to witness the marriage of Mary, queen of Scots, to the dauphin of France. He had three sons, *Edward Bruce*, of whom below, Sir George Bruce, whose descendants became the earls of Elgin, and William Bruce.

EDWARD BRUCE of Blairhall, second son of Edward and Alison (Reid) Bruce, was born about 1549. His public career began as early as 1576 when he was judge of the commissary court of Edinburgh. In the same year he received a grant of the abbey of Kinloss in Ayrshire and was appointed one of the delegates of the lord-justice general of Scotland. He was commendator of the Cistercian abbey at Kinloss and was appointed lord of session in 1597. A devoted adherent of King James VI., he was active in all the intriguing of that period for the advancement of James. It was largely due to his efforts that the peaceable accession of the Stewart to the English throne was brought about, and he accompanied James to England to be present on the occasion of that monarch's coronation in 1603.

He became a naturalized subject of England, was made a member of the privy council of both kingdoms, and was raised to the peerage with the title of Baron Bruce of Kinloss. In 1604 he succeeded Sir Thomas Egerton to the mastership of the rolls. He died January 14, 1610-11, and was buried in the Rolls Chapel in Chancery Lane, London, where a monument was erected to his memory. This memorial structure shows his effigy recumbent clothed in the habit of the master of rolls. Upon it is the following inscription:

FUIMUS.

We were—we are no more.

Sacrae Memoriae Domini
Edwardi Bruce, Baronis Bruce,
Kinlossensis, sacrorum scrin-
iorum Magistradicatum, qui
Obiit 14 Jan. Sal 1610 Aetat 62
Jacobi Regis 8.

To the sacred memory of
Lord Edward Bruce, Baron
Bruce of Kinloss. Of the sa-
cred Records Master who died
Jan. 14th, 1610, of the age of
62, in the 8th of James the
King.

Brucius Edvardus situs hic
et Scotus et Anglus;

Bruce Edward buried here,
both Scot and English,

Scotus ut ortu, Anglis sic
oriundus avis,

As Scot by birth, so sprung
from English ancestors,

Regno in utroque decus tulit,
auctus honoribus amplis,

In each kingdom glory he
maintained, entrusted with
great offices,

Regi a consiliis regni utri-
usque; fuit

To the King he was of Coun-
cils of each kingdom;

Conjuge, prole, nuro, ge-
nero, spe, reque beatus;

In Wife, Children, Daugh-
ter-in-law, son-in-law, hope
and estate blessed,

Vivere nos docuit, nunc do-
cet ecce mori.

He taught us to live; now
teaches lo! to die.

He married Magdalen Clark, daughter of Alexander Clark of
Balbirny in Fife.

The eldest son of Edward and Magdalen (Clark) Bruce was
Edward Bruce, the second lord Bruce of Kinloss. He was a
knight of the Bath and was killed in Holland, in an historic duel,
by Sir Edward Sackville, afterwards earl of Dorset who had
long been his close companion.

“It appears that Lord Bruce was a nobleman of singularly
gentle and amiable manners, and had been intimate from boy-
hood with Sir Edward Sackville, a young man of profligate and

dissolute habits. An attachment had grown up between Lord Bruce and Lady Clementina Sackville, Sir Edward's sister, and it was agreed that when he had attained to manhood they should be married. One day when going out hunting at Culross in Fife-shire, an old woman was nearly ridden over by Sir Edward who struck at her several times with his whip. Lord Bruce begged him to calm himself, and said: 'Don't hurt her, she's a spae-wife.' The old woman exclaimed: 'Ride on to your hunting, young man. You will not have the better sport for abusing the helpless infirmities of old age. Some day you two will go to a different kind of sport and one only will come back alive.'"¹

Despite the intimacy of the two young men Sir Edward, on two occasions, when under the influence of wine, insulted and struck Lord Bruce in the face. For his love of Lady Sackville he bore this insult at first with calmness but upon its repetition he felt compelled to defend his honor. In those days a duel was inevitable under the circumstances, and without delay the young men arranged to meet upon the field of honor.

"Bruce then went and took leave of his mother, and then of Lady Clementine Sackville, and going abroad sent a challenge to Sir Edward. A piece of ground was bought near Bergen of Zoom that they should not be interrupted and thither they repaired. Nothing is known of the particulars of the duel but from a letter of Sir Edward's, in which the account bears upon the face of it the stamp of truth and whence it appears that Bruce would accept of no quarter and was determined that one or the other should die; and that he was very nearly victor himself, for Sir Edward was badly wounded, but Lord Bruce died. The place is called by the name of Bruce's Field to this day. The heart of Lord Bruce after being placed in a silver case, was brought to this country and interred in the vault or burying ground adjoining the old Abbey of Culross in Perthshire."²

In a treatise on second sight, by John Aubrey, it is said:

"The unfortunate Lord Bruce, saw distinctly the figure or impression of a mort head, in the looking-glass in his chamber, that very morning he set out for the fatal place of rendezvous, where he lost his life in a duel, and asked some of them that stood by him, if they observed that strange appearance; which they answered in the negative. His remains were interred at Bergen-

1. 2. "Histories of Noble British Families," by Henry Drummond.

op-Zoom, over which a monument was erected, and the emblem of a looking-glass impressed with a mort head, to perpetuate the surprising representation which seemed to indicate his approaching untimely end. The monument stood entire for a long time.¹³

The second son of Edward and Magdalen (Clark) Bruce was *Thomas Bruce* who became the first earl of Elgin. The youngest son was Robert Bruce, the baron of Skelton. The only daughter of the family, Christiana Bruce, married, in 1608, William Cavendish, second earl of Devonshire.

THOMAS BRUCE the third lord of Kinloss and the first earl of Elgin, succeeded to the title upon the death of his elder brother, unmarried. He was born in Edinburgh, December 2, 1599. Attending King Charles I. into Scotland, in 1632, he was created earl of Elgin in that year, and, in 1641, was created a peer of England, with the title of Baron Bruce of Whorlton. He died December 21, 1663. He married, first, Anne Chichester, daughter of Sir Robert Chichester of Devonshire; second, Diana Vere, dowager of Henry Vere, earl of Oxford, and the second daughter of William, earl of Exeter, by his wife Elizabeth Drury.

ROBERT BRUCE, the second earl of Elgin, son of Thomas Bruce preceding, succeeded his father in 1663. He was lord lieutenant of the County of Bedford in 1660 and a member of parliament in 1660 and 1661. He was a member of the privy council in 1678 and was appointed lord chamberlain of the household of King James VII. He was created baron Bruce of Skelton, Yorkshire, and was viscount Bruce of Ampthill, Bedfordshire, and earl of Ailsbury in Buckinghamshire in the peerage of England. He died at Ampthill, in Bedfordshire, in 1685. He married in 1646 Lady Diana Grey, second daughter of Henry, first earl of Stamford, and had eight sons and nine daughters. Five sons died young.

THOMAS BRUCE was the third earl of Elgin and the second early of Ailesbury. He was the sixth and eldest surviving son of the Robert and Diana (Grey) Bruce, and succeeded his father in the title in 1685. He adhered to the cause of King James II., and in 1695 was active in the plottings in which so many Scottish

3. "Miscellaneous Scotica."



PLATE I.

THE ALTAR OF THE HOLY GHOST.

noblemen were involved to restore that monarch to the throne. He was apprehended by the English authorities and committed to the tower of London in February 1695-6. During the time of his confinement in the tower his wife died through apprehension of the fate that might overtake him. After his release he left England and went to Holland to live. He died in Brussels in 1741, having been a resident in that city after 1698. He married, first, in 1676, Elizabeth Seymour, daughter of Henry Seymour, lord Beauchamp, co-heir of Mary Tudor, sister of King Henry VIII.; she was a sister of William, duke of Somerset, and a lineal descendant of Mary, queen of France, daughter of King Henry VII., and she was connected in blood with several of the most ancient noble families of the kingdom. He married, second, Charlotte, countess of Sannu, of the house of Argenteau, duchy of Brabant.

CHARLES BRUCE, second son of Thomas Bruce, preceding, was the fourth earl of Elgin and the third earl of Ailesbury. He succeeded his father in 1741. He was chosen a member of parliament in 1707, 1708, and 1710. Under the title of Baron Bruce of Whorlton, he was one of the twelve peers who were created and summoned December 31, 1711, to secure for the government a tory majority in the house of lords. In 1746 he was created baron Bruce of Tottenham. He married, first, Lady Jane Saville, eldest daughter of William, Marquis of Halifax, and she died in 1717; second, in 1720, Lady Juliana Boyle, daughter of Charles, earl of Burlington, and she died in 1739; third, in 1739, Caroline Campbell, daughter of John Campbell, afterward duke of Argyle. He left no surviving male issue and his title of Elgin devolved on Charles Bruce, the ninth earl of Kincardine.

The line of Charles Bruce, the ninth earl of Kincardine and the fifth earl of Elgin, also unites with that of the American Bruces in Sir John Bruce (xxvi)⁴ who was the father of Robert Bruce (xxvii)⁵ of Cultmalinde, extending through his son, Sir David Bruce, his grandson, Sir David Bruce, and great-grandson, Edward Bruce of Blairhall.⁵

4. Page 266.

5. Page 266.

5. Page 271.

GEORGE BRUCE of Carnock, third son of Edward Bruce of Blairhall by his wife Alison Reid, was prominent in trade and manufacturing and did much to develop the coal mines in Culross early in the sixteenth and seventeenth centuries. He was knighted by King James VI. in 1604, and died May 6, 1625. He married Margaret Primrose, daughter of Archibald Primrose of Burnbrae.

GEORGE BRUCE of Carnock, eldest son of George and Margaret (Primrose) Bruce, was a man of affairs and took a prominent interest in the political movements of his day. He was a member of the commission appointed to treat with England in regard to the union of the two kingdoms in July 1604. He married Mary Preston, daughter of Sir John Preston of Valleyfield. His son, Edward Bruce, was created earl of Kincardine and lord Bruce of Torrey in 1662 and died without issue, being succeeded in 1662 by his brother, Alexander, the second earl of Kincardine, whose second son, Alexander Bruce, the third earl of Kincardine, died in 1705 unmarried.

Alexander Bruce, the second earl of Kincardine, was a man of extraordinary character. His deep and lively concern in political affairs compelled him to exile himself from Scotland in 1657, and he did not return until 1660. After the Restoration Scotland was a possible place of residence for him, and in the quietude that followed he was occupied in business; but in time he again devoted himself to public affairs, being particularly thus engaged from 1660 to 1676, when he held various offices of trust. In 1676 his activity and influence became of such a pronounced character that the king dismissed him from the Scottish privy council. During his residence in Holland he married, in 1659, Veronica, daughter of Corneille Van Arson Van Sommelsdyck, lord of Sommelsdyck and Spycke. This marriage added much wealth to his own considerable possessions and made him one of the great and prosperous men of his day. He was engaged in the Greenland whale fisheries, in quarrying, and in other industries and substantially increased his fortune. He was a man of wide culture and varied attainments, and of unusual personality in many ways. An historian has said of him that he was a

“man of deep personal religion, of highly refined tastes and of very wide attainments; medicine, chemistry, classics, mathematics, mechanical appliances of every kind especially as adapted to his mining enterprises, divinity, heraldry, horticulture, forestry, pisciculture, mining and the management of estates.”⁶

ROBERT BRUCE of Broomhall, brother of the preceding George Bruce of Carnock, was the third son of the first Sir George Bruce of Carnock, and his wife, Margaret (Primrose) Bruce. After the lapsing of the title in the line of the elder brother through the death without issue of the sons and grandsons of the second George Bruce of Carnock, his family became first in the male line, although he himself had died half a century before the title came to his sons. He was a member of the legal profession, was admitted an advocate, and became eminent among the practitioners of his time. He was lord of session, appointed in June 1649. He died in June 1652. He married Helen Skene, daughter of Sir James Skene of Curriehill. It was through him and his son Alexander, in the direct line from the first Sir George Bruce of Carnock, that the famous earls of Elgin and Kincardine of later generations derive.

ALEXANDER BRUCE, the fourth earl of Kincardine, son of Robert Bruce of Broomhall, and his wife Helen (Skene) Bruce, took his seat in parliament in 1706. He married Christiana, daughter of Robert Bruce of Blairhall, son of Edward Bruce of Blairhall, and was succeeded in turn by his three sons, Robert Bruce, Alexander Bruce, and Thomas Bruce.

THOMAS BRUCE, the seventh earl of Kincardine, son of Alexander and Christiana (Bruce) Bruce, was born March 19, 1663. He died March 26, 1740. He married Rachel Pauncefort, daughter of Robert Pauncefort of Hereford.

WILLIAM BRUCE, the eighth earl of Kincardine, son of Thomas and Rachel (Pauncefort) Bruce possessed the title only a few months, dying September 8, 1740. He married, in 1726, Janet Robertson, daughter of James Robertson, of Lanark; she died March 29, 1772.

CHARLES BRUCE, the ninth earl of Kincardine, son of William

6. "National Biography," by Leslie Stephen.

and Janet (Robertson) Bruce, was born about 1722. He succeeded his father in 1740, and in 1747 attained to the Scottish earldoms of Elgin and Ailesbury on the death of his kinsman, the fourth earl of Elgin; thenceforth he was earl of Elgin and Kincardine. He was active in promoting agriculture in both parts of the United Kingdom and developed important industrial enterprises. He died in Broomhall May 14, 1771. In the churchyard of Dunfermline Abbey a handsome monument stands to his memory and is thus inscribed:

“Sacred to the memory of Charles, Earl of Elgin and Kincardine, who died the 14th of May, 1771, aged 39 years. By the goodness of his heart and the virtues of his life, he adorned the high rank which he possessed. In his manners amiable and gentle; in his affections warm and glowing; in his temper modest, candid and cheerful; in his conduct, manly and truly honorable; in the character of husband, father, friend and master, as far as human imperfection admits, unblemished. Pious, without superstition; charitable without ostentation. While he lived the blessing of him that was ready to perish came upon him. Now their tears embalm his memory. Reader! beholding here laid in the dust the remains which once so much virtue adorned, think of the vanity of life; look forward to its end, and prepare, as he did, for immortality.”

He married, in 1759, Martha White, daughter of Thomas White of London, and was succeeded by his son, William Robert Bruce, who died only two months after his father.

THOMAS BRUCE, second son of Charles and Martha (White) Bruce, was the seventh earl of Elgin and the eleventh earl of Kincardine. He was born in 1756 and educated at Harrow and Westminster, afterwards studying at St. Andrew's and in Paris. He entered the army in 1785 and rose to the rank of major-general in 1809. It was in diplomacy, however, that he achieved his greatest distinction, and he has been remembered as one of the ablest and most brilliant diplomats in the history of modern England. In 1790 he was intrusted with a special mission to the Emperor Leopold of Belgium, and in this opportunity he was so preeminently successful that he was sent as envoy-extraordinary to the court of Brussels in 1792. Subsequently he was

envoy-extraordinary and minister-plenipotentiary to the court of Berlin in 1795.

He was appointed ambassador-extraordinary and minister-plenipotentiary to the Sublime Ottoman Porte in 1799 and there he entered upon a mission in connection with the preservation of the ancient works of art of Greece that gave him worldwide fame and entitled him to the admiration of all lovers of art. Taking up the study and examination of Grecian art he was soon imbued with an enthusiasm that carried him quite beyond his original intentions until the pursuit absorbed his mind and his time exclusively for many years. His initial movement was made to have permission from the Porte to carry on the work that he contemplated. This concession was secured in 1801 and the privilege was granted to him to make drawings and reproductions of the Grecian sculptures of the Parthenon and elsewhere and to take away such of those remains as he might desire. Employing competent artist assistants he made a large collection of these antiquities which he had ready for transportation to England in 1803. This was only the nucleus for the great collection which subsequently became known as the Elgin Marbles additions being made to it from time to time until 1812.

As soon as all these works of art were safely landed in England he arranged an exhibition of them in London and they excited the wonder and admiration of all who saw them. He did not however, entirely escape criticism, for there were many ready to accuse him of vandalism in removing these art works from their original home in Greece. In this connection Byron's scathing poem, "The Curse of Minerva" will be recalled. In the course of time, however, his acts came to be generally approved, and in 1816 the whole collection was purchased for the nation.

From 1790 to 1840 Lord Elgin was one of the representative peers of Scotland, but after his return from the East to England he took but little part in public affairs, his life being embittered by the criticisms that were made upon him by many of his contemporaries. He died November 14, 1841. He married, first, in 1799, Mary Nesbit, the only child of William H. Nesbit of Dirleton, Haddingtonshire; second, in September 1810, Eliza-

beth Oswald, daughter of James T. Oswald, of Dunniker, Fife-shire.

JAMES BRUCE, second son of the preceding, by his second wife Elizabeth Oswald, was the eighth earl of Elgin and the twelfth earl of Kincardine. He was educated at Eton and at Christ Church, Oxford, and became a fellow of Merton. On the death of his father in 1841, he succeeded to the Scottish earldoms. Entering the diplomatic service of his country he became one of the most famous diplomats of his time, rivaling in achievement even his father. In March, 1842, he was appointed governor of the Island of Jamaica and his administration there under specially discouraging conditions was preeminently satisfactory. His success won for him promotion to the governorship of Canada where he was sent in 1846. Troublous times were then in the Dominion, riots and other disturbances throughout the country upsetting affairs and giving both the local and the home government much anxiety. The new governor-general, however, was again successful and after an eight-year term of service he was able to leave the Dominion in a much more healthful condition politically and industrially than it was when he arrived.

In 1857 he was sent as an envoy to China, but before reaching there he was ordered to India to aid in suppressing the mutiny which had broken out in that colony. Having done admirable service in that emergency he returned to China and negotiated a treaty with that country, and also with Japan. In 1859 he was a member of Lord Palmerston's cabinet holding the portfolio of postmaster-general. The distinction of his achievements in public life brought him abundant recognition, and he was elected rector of Glasgow University and received the freedom of the City of London.

In 1860 he was sent as an envoy to China on another delicate mission, and two years later was appointed viceroy and governor-general of India. Leaving England in January of 1862 he entered upon the duties of his new position with some misgivings on account of ill-health. He was able to accomplish a great deal of good, however, in the two short years that he lived, his death occurring from heart disease at Dharmasala in November, 1863. He married, first, April 22, 1841, Elizabeth Mary Bruce,

only daughter of Charles Lennox Cumming-Bruce; second, in 1847, Lady Louisa Mary Lambton, daughter of the first earl of Durham.

FREDERICK WILLIAM ADOLPHUS BRUCE, the youngest son of Thomas and Elizabeth (Oswald) Bruce, also won distinction in the diplomatic service of Great Britain. He was born at Broomhall, Fifeshire, April 11, 1814. He was first appointed colonial secretary at Hongkong in 1844, and subsequent appointments were lieutenant-governor of Newfoundland in 1846; consul-general to Bolivia in 1847; *charg d'affaires* to Uruguay in 1851; and agent and consul-general to Egypt in 1853. He was secretary to his brother James Bruce, ambassador-extraordinary to China in 1857, and was appointed envoy-extraordinary and minister-plenipotentiary to China in the following year. In 1865 he was transferred to the United States where, as British Minister at Washington, he won the approval of both his home government and that of the United States. His term of service in the United States lasted less than two years, ending with his death which occurred suddenly in Boston September 19, 1867. He was not married. He was buried in Dunfermline Abbey.

CHAPTER SEVEN

BRUCE OF AIRTH

IN the peerage line the Bruces of Clackmannan and their offshoots longest maintained their identity. Descent in male stock was preserved for many generations and title and possessions were held by worthy sons of the name. The Elgin, Ailesbury, and Kincardine were the most famous of these branches and contributed most vigorously and most brilliantly to the history of their country. But other strong lines long persisted and from some of them branches extended even into foreign lands. Most noted among these was probably that of Airth from which sprang the Bruces of Earlshall, Kinnaird, and Stenhouse and the Counts Bruce of France. Some of the branches of this line were scarcely less distinguished than their parent stem.

“And in Scotland still, not far removed from the old sites of Dumfermline, Clackmannan, and Rosyth, and still possessing Broomhall, Culross, Blairhall, etc., etc., we must look for the chief of that ancient house: whilst on the south side of the Forth some few scions still remain of the house of Airth, and in foreign lands we find many willing to claim kindred, and bearing for centuries the same arms. The Comtes de Brus in France we have been enabled to trace from their origin. Russia, Prussia, and Sweden have also their branches; and the Princesses des Horne of Salm and Stolberg took pains to prove their descent from their mother, the Lady Charlotte Maria Bruce, daughter of Thomas, third earl of Elgin, who married at Brussels, in 1698, Charlotte, Countess de Sanu, of the noble house of Argenteau, in the Duchy of Brabant, one of whose grand-daughters became the wife of Charles Edward, Chevalier de St. George.”

In the day of Wallace the patriot, Erthe or Arth was one of the great strongholds on the banks of the Firth. It was held by a garrison of English soldiers who oppressed and maltreated the people of the neighborhood. They imprisoned many, including an uncle of Wallace, the priest of Dunipace, in a cave or cell under the castle, and thereupon Wallace attacked the stronghold and, killing its defenders, rescued the prisoners. On the west side is a tower that is still called Wallace's tower and the spot is pointed out where he killed most of the English soldiers. The De Erths recovered their property after a while and it was retained by them until well into the fifteenth century. The family was very ancient and well connected, its sons and daughters marrying into various families of high distinction. Of Alexander de Airth, 1296, Nisbet says:

“An ancient family in Stirlingshire, that had the baronies of Airth, Carnock, Playne, etc., etc., which in the reign of James I. came to heirs female, and by marriage to the Bruces, Drummonds and Somervilles.”

The name occurs frequently in the Ragman Roll and other Scottish records from the latter part of the thirteenth century. In 1426-27 Alexander de Arth was one of the representatives of

7. “Family Records of the Bruces and Cumyns,” by M. E. Cumming Bruce, p. 286.
8. “Ragman Roll,” by A. Nisbet.



SIR EDWARD BRUCE, BARON BRUCE OF KINROSS, MASTER OF THE ROLLS.

Malyse, earl of Strathearn by his mother Matilda, who was one of the daughters of that earl by his third wife, Isabel, daughter of Magnus, earl of Caithness and Orkney. Because in the reign of King David II. he gave his eldest daughter, Johanna, in marriage to Narrenne, earl of Surrey, "an enemy of king and kingdom," the earl of Strathearn was forfeited of his title by King Robert II.

EDWARD BRUCE, second son of Sir Robert Bruce of Clackmannan by Isabel Stewart of Rosyth,⁹ married Agnes de Erth, eldest daughter and co-heiress of William de Erth, and thus his family came in possession of Erth or Airth. Personally he does not appear to have held that property as he probably died before his father-in-law and his father. He left two sons, Robert Bruce and William Bruce. His widow married secondly an Elphinston, of a family with which the Bruces in several lines were often matrimonially connected.

SIR ROBERT BRUCE of Airth, son of Edward and Isabel (Stewart) Bruce, married Agnes Livingstone, a daughter of Sir Alexander Livingstone. With his father-in-law and other nobles he was constantly embroiled in the political controversies of his time. His activity made him an object of jealousy on the part of the courtiers of King James II., and he lost his life thereby in 1449-50.

"That samen yer, the xixth dai of Janvier, James II, held his first parliament. Then was forfaulted Sir Alexander Levingstone, Lord Kallender, and James Dundas of that Ilk; and Robert Bruce, the Lord of Clackmannan's brother (nephew) and James Levingstone, son and heir of the said Alexander, was put to died, baith togidder, on the Castle hill. Their heides stricken off the 3d daie of the Parliament."¹⁰

SIR WILLIAM BRUCE, the second son of Edward and Isabel (Stewart) Bruce, went to France and entered the service of King Charles VIII. He was greatly beloved and honored by that monarch, by whom he was made a knight of the order of St. Michael and received permission to add the fleur-de-luce to his arms. The Earls of Argyll family founded by him through his grand-

9. XXIII on page 264.

10. "Auchencleck Chronicle," p. 26.

nephew, Sir Alexander Bruce of Brigham, ever after bore arms with that distinction.

SIR ALEXANDER BRUCE, only son of Sir Robert and Agnes (Livingstone) Bruce succeeded to his father's title and lands upon the return of the family to the royal favor in 1451. He married, first, Joneta, daughter of Alexander, the first lord Livingstone, and, she dying without issue, he married, second, Margaret Forrester, daughter of Sir Malcolm Forrester.

SIR JOHN BRUCE, eldest son of Alexander and Margaret (Forrester) Bruce, died before his father. He lived at Stanehouse which appears to have been the property and residence of the heir apparent of Airth for some generations. He was involved in many of the political troubles of the time and became so conspicuous in his doings that he was placed under ban as a traitor, as appears from an act of parliament, November 6, 1481.

"The quhilk tyme the saide Commissioners chargeit Johne the Brois of Erthe, Constable Depute in that pairt to call Alexander, Duke of Albany, the Earl of Marche, and others, to compare in our Souveraine Lorde's Parliament to answer for their crimes of treason."

In some one of those difficulties engendered by the passions that made Scotland so long a bloody field of family and neighborhood animosities, he met a tragic death. As appears by the Criminal Trials, he was "slaughtered" by the Menteiths, brothers of his wife.

"28th January 1488-89, William Menteith of the Kerss, Archibald, his brother, Alexander Menteith, for thaim, their kyn and frendis, on the tae pairt; 'Robert the Broisse of Arthe,' 'Alexander,' 'Lucas' and 'Robert Broisse' for thaim and brether, emes, and frendis, on the uther pairt; bind and oblije theimselves to abide the sentence of the Lords of Council 'tuiching the making of Amendis for the sclaughter of umquhile Johne the Broisse of Arthe, and tuiching the making of amit,' luff and tendernis betwix the pairties in tyme to cum."

This Sir John Bruce married, in 1741, Elizabeth Menteith, daughter of Sir William Menteith of Kerss. He left three sons. Robert Bruce succeeded his father. Thomas Bruce found a

branch of the family in France. One of his daughters, Helen Bruce, married a son of Sir William Menteith of Keress, one of her father's murderers. Another daughter, Janet Bruce, married William Livingstone, the younger, who fell on Flodden Field.

SIR ROBERT BRUCE, son of John and Elizabeth (Menteith) Bruce, succeeded his father in Stanehouse and his grandfather Sir Alexander Bruce in Airth, 1488-89. During his lifetime the peace between the Bruces and the Menteiths was still further bound by the erection, in the Airth church, of the Bruce aisle at the expense of the two families. He married Euphemia Montgomery, daughter of Alexander, lord Montgomery.

ROBERT BRUCE, son of Robert and Euphemia (Montgomery) Bruce, succeeded his father who was killed at Flodden. In May, 1544, he was captain of the castle of Edinburgh and in that place gained special renown by the gallant defense that he made against the army which King Henry VIII. of England sent to Scotland to enforce his demand for the person of the Queen Mary, who was then only an infant and whom the English desired to take from her Scottish environment.

"The Laird of Stanehouse, captain thair of, caused shoot at them, in so great abundance, and with so guid measure, that they slew a great number of Englishmen, amongst whom were some principal captains and gentlemen, and one of the greatest pieces of ordinance was broken, wherethrew they were obliged to raise the siege shortly and retire."

He married Janet Forester, daughter of Sir Walter Forester of Carden.

SIR ALEXANDER BRUCE, head of the house in the fifth succeeding generation in the direct eldest male line from the preceding Robert Bruce, came to a much diminished inheritance. His grandmother was Margaret Elphinston, daughter of Sir Alexander, fourth lord of Elphinston. Early in life he took military service in Germany and he was with Prince Rupert in the Low Countries during many years. He returned to his native land in the spring or summer of 1665, and in September of that year

he died—the last Bruce of Airth in the male line. Through the marriage of his daughter, Jean Bruce, to Richard Elphinston, the barony passed to those of the name of Elphinston and Dundas. In the old street of Airth, the village cross, still standing, bears on one side the Bruce arms, with the lion for a crest, and on the other the Elphinston arms with the motto “Do well, let them say,” with the initials C. E., 1697 (Charles Elphinston). Nearby a stone bears the united arms of Bruce and Elphinston. Not many years ago, there was in the old church of Airth a slab of black marble that bore upon its face an inscription to one of the barons of Airth. The marble has long since disappeared but the inscription that was on it has been preserved and reads as follows:

Brusiois hic situs est pietate an clarior armis
 Incertum; est certum regibus ortus avis.
 Heer lies a branch of Brusses noble stemm,
 Airth's Baron! whose high wurth did sute that name.

Holland his courage honoured. Spain did feare—
 The Swedes in Funen bought the triall deare.
 At last his Prince's service called him home
 To die, on Thames, his bancke, and leave this tombe,

To bear his name unto posteritie,
 And make all men love his memorie.

Alexandro Brussio
 Ex Robertii Brossii, Scotorum Regis
 Filio Natu secundo progenito
 Baroni Airthensi.

Primum in Belgio per Annos XLII.
 Dein in Anglia pro Tribuno Regio.
 Viro cum strenuo tum pientissimo.
 Aelatis anno LVI. vitague simul defuncto.
 A.D. XVII. Kal. Oct. ob. CIO, LIC. XLII.
 G. Lauderus, affinis, M.P.

The modern French house of Bruce is derived from the Sir John Bruce of Airth who married Elizabeth Menteith and was murdered by his wife's relatives. Besides the son who succeed-

ed him he had a second son, Thomas Bruce, who married Elizabeth Auchmoutie. Adam Bruce of Waltown, great-grandson of the preceding Thomas Bruce, lord of Labertsheilles and Woodsyd, went to France in 1633 and established himself there. He married Eve Marie de Hermant and founded the house of the Counts Bruce in France, which has been noted in the history of that country.

Louis Daniel, count de Bruce, seigneur de Montlerard, great-grandson of Adam Bruce, was the first of the family who entered the service of the king of France. He married Harriette Dieu-donnee de Montague, daughter of the Marquis de Montaigne. Charles Hector, count de Bruce, grandson of the preceding, was the head of the house in the nineteenth century. He was a chevalier of Malta, a chevalier of St. Louis, and a chevalier of the Legion of Honor. He was born in 1772. He married in 1820 Fanny de Chamont, daughter of the chevalier de Chamont.

Descendants of the Bruces of Airth were also established in Prussia and Russia. A brief account of these Bruces and their families was given in a memoir written by Peter Henry Bruce and published in 1782. During the troublous times of the Protectorate two cousins of this house, John Bruce and James Bruce, determined to leave their native country and seek fortune abroad. John Bruce went to Berlin and entered the service of the elector of Brandenburg. In time he rose to the command of a regiment and had large grants of land whereon he built the villages of Brucenwold and Jetkensdorf. His wife was of the family of Arensdorf. His eldest son, Charles Bruce, was killed at the siege of Namur.

James Bruce, youngest son of this John Bruce, married Elizabeth Catherine Detring of Detring castle, Westphalia. He was a lieutenant in a Scotch regiment commanded by the earl of Leven in the service of Brandenburg. Peter Henry Bruce, son of the preceding James Bruce, was educated in Scotland and then served in the Prussian army and afterwards in that of Russia. In 1714 he received his commission as captain in the artillery and engineers of the Russian army. After nearly twenty years he returned to Scotland, married and settled upon a small estate

near Cupar. About 1740 he entered the service of the English as an engineer and was employed in refortifying Providence, one of the Bahama Islands, and in making surveys for the fortification of Charleston, S. C. During the last six months of 1745 he took part in the military operations about Hull, Newcastle, and elsewhere on the occasion of Prince Charles Edward's invasion of Scotland. Thereafter he retired to his farm where he died in 1747.

James Bruce who also left Scotland in the time of Cromwell went to Russia. There he settled and married, and his descendants became numerous and powerful. General Robert Bruce, grandson of this pioneer, was of the Russian ordinance service in the time of Peter the Great. He was a knight of four orders, St. Andrew, The White Eagle, The Black Eagle, and The Elephant. When the Czar was honored by his senate with the titles of Peter the Great and Emperor of all the Russias, General Bruce was made a count of the empire and received ten thousand roubles. At the coronation of the empress Count Bruce carried the crown and the Countess Bruce was one of the four train bearers.

(To be Continued.)

THE QUESTION OF EQUALLY DIVIDED COURT OPINIONS

THE subjoined correspondence, both letters evidently pertaining to the same matter, was found by the writer among the private papers of the late ex-Senator James R. Doolittle, of Wisconsin. They are interesting as showing the kindly spirit of Justice Field, of the supreme court, and the loyal concern of Judge Doolittle in the affairs of his client. They also show how vexatious it is to suffer a technical defeat in contested matters by the opinion of an equally divided court

DUANE MOWRY.

CHICAGO, Feb. 21, 1872.

HON. DAVID DAVIS.

Dear Sir: I learn from the newspapers that in the case of Wright vs. Fullerton there has been a technical affirmance of the decree by an equally divided court. If I were there I suppose it would be proper for me to inquire *which of the judges followed affirmance, and upon what grounds?*

I have an idea that upon one point, upon which they may have voted for affirmance, I may not have brought their attention clearly to our peculiar statute of limitations and to a fact which it seems to me is conclusive under it.

Indeed in the argument of the case I regarded the question whether the transaction created the relation of debtor & creditor, & mortgagor & mortgagee, coupled with a trust as the controlling one, and that if I satisfied the judgment of the Court upon that, I had no other substantial difficulty to meet. Of course no one can judge for another. But I did feel confident that I established that relation beyond any reasonable question. If I did not and the four judges who voted for affirmance are of opinion that it was a conditional sale, and without the equity of redemption, I can hardly entertain a hope of any re-hearing.

But if they agreed with their brethern that there was an equity of redemption, but that we must fail from the statute of limitations—a point strongly insisted upon by Mr. Beckwith, and which as I remember, I did not present as I ought, I am not without strong hope that upon a suggestion from one of their brethren of the view which I did not bring out, and which I think is peculiar to the statute of Illinois, they may order a re-argument of their own motion. I do not refer to the points I did discuss, and which, it would not be respectful to those Judges to suggest they had not fully considered; because I think the points I did discuss were fully apprehended.

But I refer to a view of the statute of limitations which I did not bring out to the attention of the Judges, and which without being brought out from its peculiarity and its bearing upon an undisputed fact in the case might be overlooked.

In short it is this. The defendant Fullerton in his answer which sets up the sixteen year statute of limitations states the fact, (page 14, fol 49) that on the 10 of Sept. 1841, he sold *not the undivided half*, but the whole of NW. 1-4 NW 1-4 S. 32 T. 38. R 14 E. 3. P.M. to Ellen Lee and others, and in his testimony page 53, fol 174, he states the consideration his own indebtedness. This was five or six years before Fullerton claims to have paid a dollar on his indebtedness jointly with Wright and others. Now by the extinguishment of that indebtedness to Lee, which was his own—whatever might have been the amount realized, Fullerton became liable to an action on his covenant in the name of Shepard for the use of Wright, for half the proceeds.

I admit if it was a conditional sale, and payment of the notes, by the day was necessary to save the rights of Shepard's assignee and continue any validity in the contract—a question might be raised. But assuming that it was a security and that the instrument as the covenant of the parties had any validity, the obligation of the defendant to account for the sale Sept. 10, 1841, was perfect, no statute having run against it at that time.

But the more important question is, Had it run against it when the suit was commenced Aug 22, 1856? From Sept 10, 1841, to Aug 22, 1856, is not quite fifteen years.

Now the statute of Illinois provides, that actions of "*debt*" or

“*covenant*” founded upon a *written obligation* for the direct payment of money, or for the *performance of covenants*, shall be commenced within 16 years, &c., &c., after the cause of action accrues, &c., &c.

But in this case of the sale spoken of in Sept. 1841, it was a new liability or rather a new exercise of the power of sale by Fullerton reserved under the covenant and a new right to recover by Shephard’s assignee of one half of the proceeds of that sale. The right of action *then* accrued, and not till then for these proceeds.

I cannot think it probable, even, if possible, that any of the judges would have held, if one suit had been brought Sept 11th 1841, that we would have been barred by any statute. And if we had a right of action at law *then*, we certainly had for sixteen years afterwards, more than a year after we brought this suit.

I confess my dear sir I cannot see this otherwise, and as my sense of justice looks always with expectation that it will be realized, I am not without strong hopes that if this should occur to these gentlemen upon the bench who were in favor of affirmance they would, of their own motion, direct, a re-argument at this term, or let it stand over to the next. If this case must stand in the end upon the judgment of the Circuit Court here how much I wish it could be heard before the full Circuit Court.

With great respect

J. R. DOOLITTLE.

WASHINGTON, Feb. 21, 1872.

HON. JAMES R. DOOLITTLE:

My dear Sir:—Your letter of the 16th I received on Monday, and I hardly know what to write you in reply. I can readily understand your annoyance at a decision by a divided court. I think I hear you say any other decision would be better than that. To win so nearly and yet to lose so entirely, and without hearing the grounds of the decision, is enough to test the virtue of christian resignation, if one has it.

Of course, you are (at) liberty to file a petition for a rehearing, but under the rules controlling such petitions its fate will

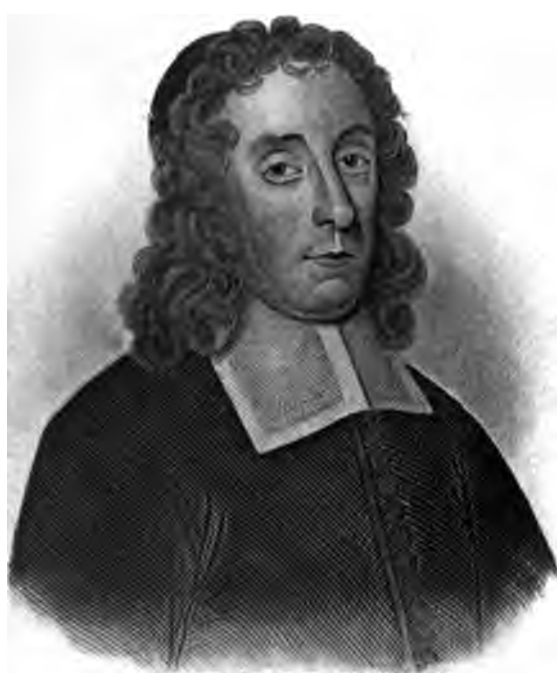
depend upon those whose vote was for affirmance of the judgment, as that result followed from the equal decision among the judges. If any one of those should be convinced by the argument in your petition, a rehearing would be granted, of course, otherwise not. Those who voted for a reversal of the judgment will have no voice on the petition.

A case from Chicago, in which Mr. Fuller was counsel, was affirmed at the present term by a divided court, and a petition for rehearing filed by him is now in the hands of one of the judges under consideration.

You are quite right in supposing that the statute of limitations was the point of difficulty in the case.

Please present my kind regards to Mrs. Doolittle and to Miss Sarah and Miss Mary, and believe me to be always your friend and obedient servant,

STEPHEN J. FIELD.



INCREASE MATHER,
MINISTER OF THE NORTH CHURCH, BOSTON.

AN EARLY MASSACHUSETTS BROADSIDE

FOLLOWING is a reprint of one of the earliest broadsides or news letters printed in the Massachusetts Colony in the latter part of the seventeenth century. It is reprinted here from the new collation of early Massachusetts newspapers, entitled "An Historical Digest of the Provincial Press."

The Present State of the

New-English Affairs.*

This is Published to Prevent False Report

*An Extract of Letter from Mr. Mather, To the Govenour,
Dated Sept. 3, 1689 from the Deal in Kent.*

THE House of Commons Ordered a Bill to be drawn up for the Restoration of Charters to all Corporations. Some Enemies of *New-England* did bestir themselves on that Occasion. But it has pleased God to succeed Endeavors and Solicitations here so far, so that *N. E.* is particularly mentioned in the Bill.

It has been read twice, and after that referred unto a Committee for Emendations. What concerns *N. England* passed without any great opposition. The Bill has been in part read the third Time, and the Charters of *N. Eng.* then also passed without Objection. Only some Additional Clauses respecting Corporations here, caused Debates, so that the Bill is not yet Enacted.

*In a fac-simile reproduction printed in 1901, William G. Shillaber refers to this sheet as "The first attempt at newspaper publication on this side of the Atlantic Ocean." Strictly speaking this was not even an attempt at a newspaper, an essential distinction of which is successive and regular publication. It was a broadside but in it was a germ of the coming newspaper. It was published in Boston in 1689 and bears the imprint "Boston Printed and Sold by Samuel Green 1689." It is a single

In the latter end of June, a Vessel from Mount Hope arrived here, which brought your Declaration of *April 18*. with an account of the Revolution in *New England*. The week after I went to *Hampton Court*, and had the favour to wait on *His Majesty*, who told me, *That He did accept of, and was well pleased with what was done in New-England, and that he would order the Secretary of State to signify so much, and that His Subjects there should have their Ancient Rights and Priviledges restored to them.*

The King has sent a Gracious Letter (which was delivered to me, and if I return not my self, I shall take care that it be sent to you) bearing Date *August 12*. *Wherein He signifies His Royal Approbation* of what has been done at *Boston*, and assures you that the Government there shall be settled, so as shall be for the Security and Satisfaction of His Subjects in that Colony, and in the mean time bids you go on to Administer the Laws, and manage the Government, according as in your Address you have Petitioned.

My Lord *Mordent* (now Earl of *Monmouth*) bade me assure you that He would be your Friend, and he bade me tell you from him, *That your charters should be restored to you by Act of Parliament.*

I have been with the King's most Honourable Privy Council, who have promised to befriend *New-England* as there shall be occasion for it. The like I may say, of all the *Leading-men* in the Parliament.

I have been in the *Downs* a fortnight, and Abroad Mr. *Clark*, several Nights, but the Wind has been against us. And we now hear that the *New-found-Land* Convoyer (on whose Assistance we had a Dependance) are gone.

Superscribed To the Honourable

Simon Bradstreet, Esq.

Governour of the *Massachusetts Colony* in *N-England*.

sheet printed on one side, the paper page being 8 by 14½ inches and the type page 7 by 12 inches. It is made up in two columns and contains extracts from two letters written by the Reverend Increase Mather from England, where he then was engaged in business relating to the new charter of the Massachusetts Bay Colony. In addition there is also an extract from the London Public News-Letter. A solitary specimen of this publication exists in the Massachusetts Archives, volume 35, page 83, at the State House, Boston. A reprint was published in the New Hampshire Historical Society's Collections for 1866 and there is a facsimile reproduction in Samuel Abbott Green's "Ten Fac-Simile Reproductions Relating to Various Subjects," published in Boston in 1903.

*A Passage extracted from the publick News-Letter, Dated
July 6. 1689.*

THE people of *New-England* having made a thorow Revolution, and secured the publick Criminals. On Thursday last, the Reverend and Learned Mr. *Mather*, President of the *Colledge*, and Minister of *Boston*, waited on the King; and in a most Excellent Speech laid before His Majesty, the State of that People; saying, *That they were sober, and Industrious, and fit for Martial Service; and all with their Lives and Interests were at His Majesties Command, to tender the same unto His Majesty: That they desired nothing but His Majesties Acceptance of what they had done, and His Protection; and that if His Majesty pleased to encourage and Commission them, He might easily be Emperour of America.* His Majesty assured him, that He was pleased with what was done for Him, and for themselves in the Revolution, and that their Priviledges and Religion should be secured unto them.

*Extracted from a Letter of Mr. Mather, to his Son, Dated
Sept. 2. 1689.*

On July 4. The King said unto me, *That He did kindly Accept of what was done in Boston. And that His Subjects in New-England should have their Ancient Rights and Priviledges Restored and Confirmed unto them.* Yea, He told me, *That if it were in his power to cause it to be done it should be done,* and bade me rest assured of it.

The *Charter-Bill* is not finished, because some Additional Clauses respecting Corporations here in *England* caused a Debate; and the Parliament is for some weeks Adjourned.

Besides the Letter from the Kings Majesty, whereof we have notice as above; there is now arrived, an Order from His Majesty to the Government, bearing date, *July 30, 1689.*

Requiring, *That Sir Edmund Andross, Edward Randolph, and others, that have been Seized by the people of Boston, and shall be at the Receipt of these Commands, Detained there, under Confinement, be sent on Board the first Ship, bound to England, to answer what may be objected against them.*

THE
LAWS & ACTS
OF THE
General Assembly
FOR
Their Majesties Province
OF
NEW-YORK,

As they were Enacted in divers Sessions, the first of
which began *April*, the 9th, *Annoq; Domini*,
1691.



At *New-York*,

Printed and Sold by *William Bradford*, Printer to their Majesties, King
William & Queen Mary, 1694

PRINTING IN NEW YORK IN THE SEVENTEENTH CENTURY

BY CHARLES R. HILDEBURN

TO New York belongs the honor of being the first English colony in America to give governmental encouragement to the printer's art. In all the four other colonies in which the printing press was set up prior to its establishment in New York, the printers, far from receiving government aid, were soon called upon to answer for some infringement—real or fancied—of the dignity of the provincial authorities. In Virginia, the first English press south of Massachusetts was suppressed in 1682,¹ and if, as is supposed, the Virginia printer was William Nuthead, he fared but little better on his removal to St. Mary's in Maryland. In 1643 Stephen Daye, Massachusetts' first printer, was put under £100 bonds by the general court.² Of Pennsylvania we shall speak later.

Dr. Moore³ has called attention to a small volume entitled "An Arrow against Idolatry," by Henry Ainsworth, which bears the fictitious imprint of "Novi Belgia, 1640," as well as the fact that Francis Lovelace, the second English governor of New York, "soon after he assumed the government in 1668, manifested his desire for having a printer in the province by sending for one to New England; but he does not appear to have been successful in his application."⁴ The first step towards success was in the passage of the following resolution by the provincial council:

"March 23, 1693. Resolved in Council, That if a Printer will come and settle in the city of New York for the printing of our

1. Henning, Vol. 2, p. 518.

2. Thomas, Vol. 1, p. 43. Albany, 1874.

3. "Historical Notes on the Introduction of Printing into New York, 1693," by George H. Moore, LL.D. Printed for the author. New York: 1888.

4. "Historical Notes," p. 5, and "An Address delivered at the Celebration by the New York Historical Society of the Two Hundredth Birthday of William Bradford," by John William Wallace, Albany, 1863, p. 62.

Acts of Assembly and Publick Papers, he shall be allowed the sum of £40 current money of New York per annum for his salary and have the benefit of his printing besides what serves the publick.'"⁵

This offer met with a ready response from William Bradford, who for eight years had been engaged as printer and bookseller in Philadelphia. William Bradford, the founder of the press in the middle colonies was the son of William and Ann Bradford, of the parish of Barwell, in the County of Leicester, England. He was born there May 30, 1663 and baptized the same day by the rector of the parish. His father died in 1668, and his mother in 1683; both were buried in the churchyard of Barwell. He was apprenticed to Andrew Sowle, of London, the principal Quaker printer and bookseller of his day. Bradford remained with Sowle until 1685, and during this time became a Quaker, but whether the influence of his master or his master's daughter Elizabeth, whom he married in London on April 28, 1685, was most potent in bringing about his "convincement," is now hard to say. It has been asserted that he was one of Penn's company on the *Welcome*. It is not only unlikely that it was our printer, as he was not then out of his apprenticeship, and there is no record of his having obtained a certificate of removal from the London meeting prior to 1685, but is directly at variance with the tone of George Fox's letter of six month, 1685,⁶ commending him to "Friends" in Pennsylvania and elsewhere. The companion of Penn on his first voyage to America was beyond a doubt another William Bradford, who settled and became a man of some local importance in Sussex County, now part of Delaware.

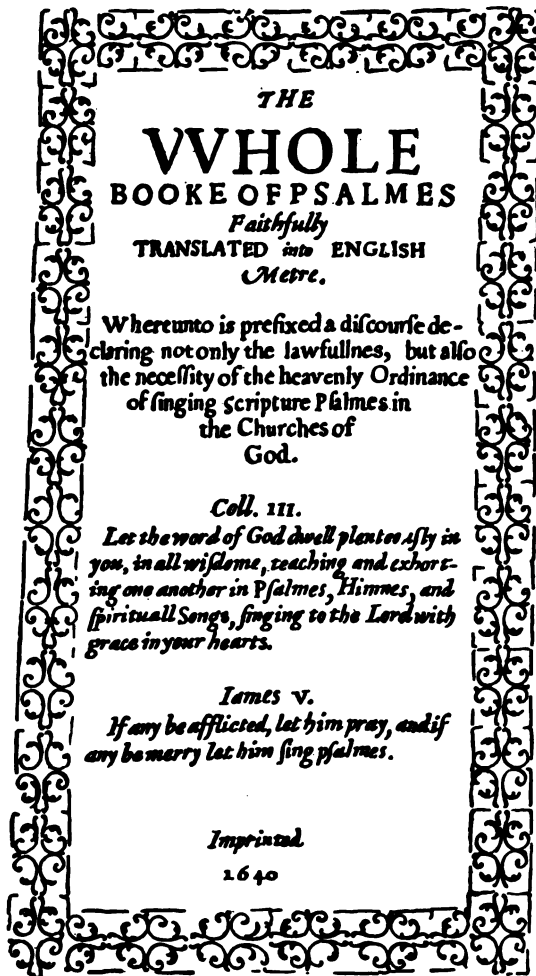
William Penn returned to England in 1684, and it may be inferred from Bradford's statements in 1689⁷ that he held out inducements to the young printer which led him to emigrate to Pennsylvania. Bradford obtained from the London meeting a certificate of removal for himself and wife, dated August 12,

5. "Council Minutes," Vol. 6, 182.

6. Wallace's "Address," p. 24.

7. Wallace's Address, p. 50.

1685, which was read to the quarterly meeting in Philadelphia on January 4, following. His arrival here is thus shown to have been some time between the October and January quarterly meetings. His printing office and residence appear to have



been first in Philadelphia, then in Oxford township, Philadelphia County, from whence he seems to have removed his office back to Philadelphia in 1688, adding to it a book store, and keeping it there but residing in Oxford township during the remainder of his stay in Pennsylvania.

His first publication was "Kalendarium Pennsilvaniense, or America's Messinger; Being an Almanack for the Year of Grace 1686." This brought him a summons before the governor and council, for referring to the proprietary, in the table of chronology, as "Lord Penn;" and, on his appearance, he was ordered to blot out the objectionable title, and forbidden to print anything without license from the provincial council.⁸ In 1687 he was cautioned by the Philadelphia meeting not to print anything touching the Quakers without its approval. Two years later he was again called before the governor and council—this time for printing the charter of the province. The spirited report, in his own handwriting, of his examination on this occasion is now preserved in the collection of the New York Historical Society.⁹ Disappointed at the non-fulfilment of Penn's promise of the government printing and the failure of his scheme for printing an English Bible, which, although indorsed by the meeting, found few subscribers; and harassed by both the civil and religious authorities, Bradford determined to leave the province. Having transferred his press to his "assignes," and in July obtained the customary certificate of removal, he and his family returned to England.¹⁰ But the Quakers were loath to spare him. At the yearly meeting, held in September, it was "agreed to grant him, besides all the business which they could throw in his way, a yearly salary of £40."¹¹ The sum offered induced Bradford to return; and next year he was one of the founders of the first paper-mill in America.

Early in 1692 he asked for and received a release from his contract with the meeting, no doubt wishing to feel entirely free to support George Keith in his struggle against the Unitarian tendency then prevalent among the Quakers in America. As the quarrel grew more and more violent he became one of Keith's most active supporters; and in August, on the appearance of Keith's "Appeal from the Twenty-eight Judges," some of his type was seized, and he and others were arrested and imprisoned.

8. Colonial Records, 1: 165.

9. It is given full in Wallace's "Address," pp. 49-52.

10. The birth of his son Isaac is recorded in London in 1689.

11. Wallace's "Address," p. 53.

The account of the trial,¹² which took place in the following December, probably written by Bradford or Thomas Budd,¹³ was printed by him soon after his removal to New York; and from it we learn that:

"On the soil of Pennsylvania, the father of our press asserted, in 1692, with a precision not since surpassed, a principle in the law of libel hardly then conceived anywhere, but which now protects every publication in much of our Union—a principle which English judges, after the struggles of the great Whig chief justice and chancellor, Lord Camden, through his whole career, and of the brilliant declaimer, Mr. Erskine, were unable to reach, and which, at a later day, became finally established in England only by the enactment of Mr. Fox's libel bill in parliament itself."¹⁴

The jury disagreed, and Bradford was held for appearance at the next court. In the mean time the dissensions in the province aroused by the Keithian schism had led to the abrogation of Penn's charter by the crown, and the appointment of Benjamin Fletcher to be royal governor of Pennsylvania as well as of New York. No further action was taken in the Bradford case before the arrival of the new governor, except the issuance of a writ under which "the Sheriff took Goods out of the Shop of Wil. Bradford half as much more as the said Warrant was for."¹⁵ One of Fletcher's first acts on reaching Philadelphia was, upon Bradford's petition, to order the restoration of his types and other goods.

Bradford's first warrant for his salary as "Printer to King William and Queen Mary, at the City of New York," was dated October 12, 1693, and was for six months, due on the 10th pre-

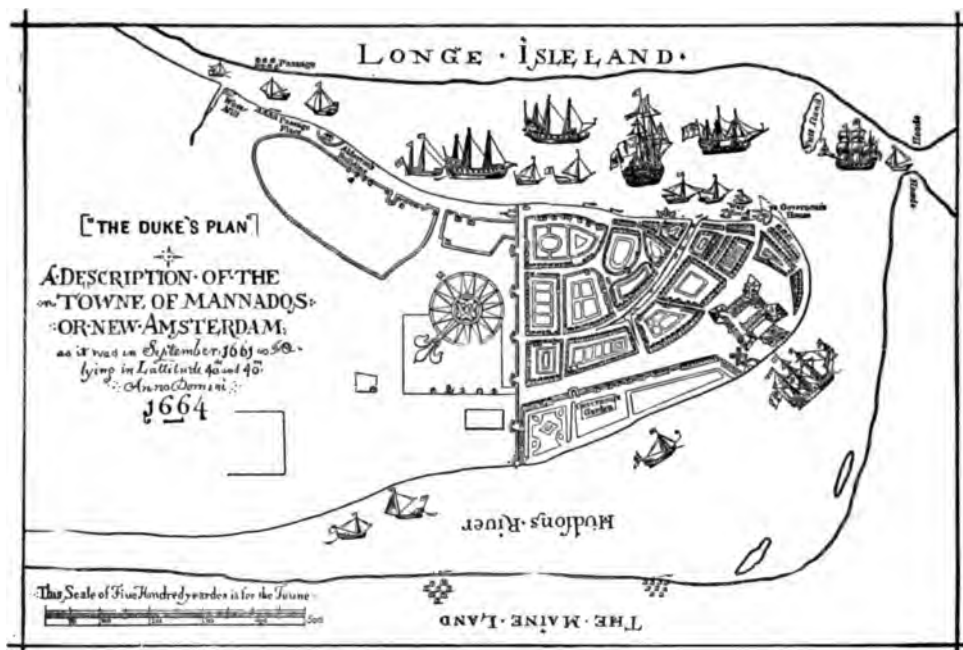
12. "New England's Spirit of Persecution Transmitted to Pennsylvania."

13. While Keith was before the London yearly meeting, May 28 to June 11, 1694, "Inquiry was made in this Meeting who was the owner and author of it (i. e. 'New England's Spirit of Persecution'), and G. Keith disowned it to be his, but he owned that part of it which concerned his trial; and T. Budd said he was not willing to discover the author's name." "True Account of the Proceedings, etc., of the Yearly Meeting begun in London on the 28th of 3d month, 1694," by Robert Hanney, London, 1694, p. 6.

14. Wallace's "Address," p. 56.

15. "New England's Spirit of Persecution," pp. 3, 4.

ceding, thus showing that upon the 10th of April, 1693, he had complied with the terms of the resolution of the council passed in the previous March, and introduced the art and mystery of his craft into New York.¹⁶ What was the first product of his press is a matter of doubt. It may have been, as Dr. Moore suggests, the "Journal of the Late Actions of the French at Canada,"¹⁷ or "New England's Spirit of Persecution Transmitted to Pennsylvania," or the "Act of Assembly" noticed later. The



first of these is certainly among the very earliest issues of the New York press, as the London edition was licensed on September 11, 1693, while the license for the reprint of the second bears date of October 19, 1693. It has been argued that "New England's Spirit of Persecution" was printed before Bradford left Philadelphia, because he omitted his name from the imprint, but he made the same omission in Keith's "Truth Advanced," which was not published until nearly a year after his settlement

16. Wallace's "Address," p. 63.

17. "Historical Notes," pp. 16-18, New York, 1888.

in New York, and also in Maule's "Truth Held Forth," which was not printed till 1695; this argument is therefore of no weight.

On the other hand, it must be remembered that the year in Pennsylvania then began by law on March 1,¹⁸ and anything printed prior to that day would have been dated 1692. The title-page of "New England's Spirit" says "Printed in the Year 1693;" and as we have already said the tract is a report of Bradford's trial at the December term of the court of quarter sessions. The last leaf of the tract contains an account of his appearance at the next court, which was not held until March, 1692-1693, and it could not therefore have been written till after the first week of that month; and as he certainly issued two, and probably three small works in Philadelphia during the brief portion of 1693 he remained there, and his office was still crippled by seizure made in the preceding September, he could hardly have got out this tract before his removal to New York.

Besides the two pamphlets just mentioned, three separately printed acts of the New York assembly, passed in 1692 and 1693, and an ordinance establishing courts, passed in 1691, are of uncertain priority. The coincidence of the date of one of the former, "An Act for raising six Thousand Pound for the payment of three Hundred Volunteers and their Officers to be employed in the Reinforcement of the Frontiers of this Province at Albany," etc., passed April 10, 1693, with the commencement of Bradford's term of office, suggests the probability of its having been the very first print of his press in New York. Lancaster's "Queries to the Quakers" and the "New England Primer," of which only fragments have been preserved, also hold uncertain positions as to their order of appearance among the publications of this year.

The order in which the remaining known issues of Bradford's press appeared during its first year must be nearly as follows: An Act for the Assembly of Pennsylvania levying a tax for the support of the government, passed June 2; Fletcher's Proclamation granting license to Warner Wessells and Antie Christians to collect money for the redemption of their relatives from slavery in Salee, dated June 8th; a translation of the same in Dutch;

18. "Charter and Laws of Pennsylvania, 1682-1700," p. 116, Harrisburg, 1879.

A Proclamation in regard to erecting Fire Beacons to give warning of invasions from Canada, dated August 25th; A Catalogue of Fees, after September 20th; An Exhortation and Caution to Friends Concerning the buying or keeping of Negroes,¹⁹ after October 13th; An Account of Several Passages and Letters between his Excellency Benjamin Fletcher, etc., And the present Administrators of the Laws in the Collony of Connecticut, after October; A Proclamation urging the people of Connecticut to yield obedience to their Majesties Commission to Fletcher to be Governor of that colony, dated November 8th; A Proclamation relative to deserters from the army and navy and travellers and others without passes, dated November 13th; and Leeds' Almanac for 1694. The imprint of the last is dated 1694, but it was, no doubt, issued, as was usual with like publications, late in 1693.²⁰ Bradford maintained to the end of his career this practice of dating the imprint of almanacs published by him with the year for which they were to serve, while the advertisements in his newspapers show that they were generally on sale about October of the preceding year.

The almanac for 1694 announced Keith's "Truth Advanced" as "now in the Press," and the speedy printing of the Laws of the Province. The former small quarto volume of two hundred and twenty-four pages was, with the exception of Maule's "Truth Held Forth,"²¹ the largest work printed by Bradford at

19. This was the first protest against slavery printed in America. It was issued by the Keithian Quaker meeting in Philadelphia, and was reprinted in the "Pennsylvania Magazine of History and Biography for 1889," from the only known copy, now in the library of Devonshire meeting-house, London.

20. In 1863 the two hundredth anniversary of the birth of William Bradford, "who, first of all men in America, asserted, and maintained to his cost, the liberty of unlicensed printing," was appropriately celebrated by the New York Historical Society, the principal feature of the occasion being an admirable address delivered by the late John William Wallace of Philadelphia, one of Bradford's descendants, and for many years the honored President of the Pennsylvania Historical Society. The two-hundredth anniversary of the introduction of the printing-press in New York city was also suitably commemorated, in 1893, by the New York Historical Society.

21. Thomas Maule was born in Warwickshire, England, 1645, and died in Salem, Mass., in 1724. In his religious faith he was a Quaker. He was in many respects a remarkable person, and without the possibility of contradiction, a staunch defender of his religious opinions, a troublesome man to the authorities of the Massachusetts Colony, and a thorn in the side of Cotton Mather. He was the author of several works, three of which were printed by William Bradford in New York before 1701. The work is believed to be the earliest and "the most considerable monument of typography in New York previous to 1700." The following is its title:

one time prior to 1710. It was printed on paper made in the Bittenhouse mill, of which Bradford was part owner, and in the water-mark of some of the sheets can be seen the name of the manufacturer. The Hebrew letters which occur in its pages made the compiler of the Brinley catalogue skeptical as to its having come from Bradford's press, because he had "not found them in any other volume printed by him." But they are to be seen on page 8 of "New England's Spirit of Persecution." The historical importance, rarity, and, of late years, the high price commanded by the

"Laws and Acts of the General Assembly of their Majesties Province of New York, As they were enacted in divers Sessions the first of which began April the 9th, Anno Domini, 1691. At New York, Printed and Sold by William Bradford, 1694,"

have made it the most famous of all of Bradford's publications. As originally issued it consisted of eighty-four small folio pages, to which were added the "Catalogue of Fees" and the three separately issued acts printed in 1693, making one hundred and twelve pages in all. To this Bradford continued

"Truth Held Forth and maintained According to the Testimony of the holy Prophets, Christ and his Apostles recorded in the holy Scriptures. With some Account of the Judgements of the Lord lately inflicted upon New England by Witchcraft. To which is added Something concerning the Fall of Adam, his state in the Fall and the way of Restoration to God again, With many other Weighty things necessary for People to Weigh and consider." Printed by W. Bradford. Quarto, pp. VIII and 260.

On December 12, 1695, the Massachusetts authorities issued to the sheriff of Essex County a warrant for the arrest of Thomas Maule of Salem, for printing and publishing without license of authority this book. The return of the warrant by George Corwin, the sheriff, was made on December 14, 1695, and states that he had seized said Maule and thirty-one copies of the work. Maule was confined in the jail in Salem, and the books burned by the public executioner. In his second work, also printed by William Bradford in New York in 1697, entitled "New England Persecutors Mauld With their own Weapons," etc., which gives an account of this trial in Boston, he states, page 61, that his "Copy (manuscript of the work) is in another government in the hands of the printer." In Judge Sewall's Diary, published by the Massachusetts Historical Society in 1878, Vol. 1, page 416, it is said, under date December 16, 1695, that "Thomas Maule Shopkeeper of Salem is brought before the council for printing and publishing a quarto of 260 pages entitled 'Truth held forth and maintained'—owns the book but will not own all till sees his copy which is at N. York with—Bradford who printed it, Saith he writt to the Governour of New York before he could get it printed. Book is ordered to be burnt," etc. Chapter XXIX of "Truth Held Forth and maintained" is a masterly expose of the Salem witchcraft delusion, and is, so far as at present known, the earliest printed refutation extant. Perhaps the most perfect copy of this extremely rare work, and from which the fac-similes were made, is in the library of Dr. Samuel S. Purple of New York. The few copies of this book of which we have any knowledge lack the title-page.

to add the acts passed by successive assemblies down to 1709, and so carelessly was the work performed that it has resulted in a bibliographical puzzle which no one has yet thoroughly mastered. Of the seven copies known to exist no two are exactly alike in their contents and pagination. Mr. Binley's copy sold in 1880 for \$1,600; Mr. Vanderpool's in 1888 for \$1,450; and in 1889 a copy lacking the title-page was sold privately for \$1,750; all these of course contained more or less of the laws added between 1694 and 1710. Bradford also printed in 1694 the first edition of the "Charter and Laws of the City of New York," but no copy is now known to be extant. In 1695 he began printing the "Votes of Assembly," the earliest publication of the proceedings of an American legislature, and in consideration of this additional labor his salary was raised to £60. In 1696 he reprinted, with some alterations, an old French work—"Le Tresor des Consolations Divines et Humaines." The expense of the work was borne by Mr. A. Pintard,²² in fulfilment of a vow made by him during a dangerous illness.

Among the publications in 1697 John Clap's "Almanac" for that year—the first almanac compiled in New York—of which Brinley's very imperfect copy sold for \$420; Leeds' "News of a Trumpet" and Maule's "New England Persecutors Mauld" are the most important. "The Secretary's Guide," a text-book of practical forms and information compiled by Bradford himself, made its first appearance about 1698, and was frequently reprinted during the ensuing forty years. "A Letter from a Gentleman in the City of New York," a copy of which sold at the Barlow sale in 1889 for \$320, and Francis Daniel Pastorius' "New Primer, or Methodical Directions to Attain the True Spelling, Reading, and Writing of English; whereunto are added some things Necessary * * * for those, who from foreign Countries and Nations come to settle among us," were also issued in 1698.

Except an almanac and the usual public documents, Leeds'

22. This gentleman was Antoine Pintard, a Huguenot native of Rochelle, who came to this country from France in 1685, and settled in Shrewsbury, New Jersey, where he and his wife are buried. He resided for many years in this city, and was the great-grandfather of John Pintard, one of the founders of the New York Historical Society.

SEVERAL
L A W S,
Orders & Ordinances

Established by the
M A Y O R,
Recorder, Alder-men and Assistants

OF THE
City of New-York,
Conven'd in Common-Council,

For the good Rule and Government of the Inhabitants of the said City. And published this 28th Day of
March, in the Mayoralty of *William Peartree, Esq.*
Anno Domini 1707

Printed and Sold by *William Bradford* at the Sign of the Bible in
the City of *New-York*, 1707.

"Trumpet sounded out of the Wilderness" was the only work printed in 1699, which has been preserved. In 1700 Bradford published "A Hue and Cry against Errors," one of the endless number of tracts arising out of the Keithian controversy (the books by Leeds mentioned under 1697 and 1698 refer to the same subject), and Southwick's "Gospel Order Revived." The latter was an attack on Mather's "Order of Gospel," printed in Boston in the preceding year, and to the pamphlet was prefixed the following

"Advertisement. The Reader is desired to take Notice, that the Press in Boston is so much under the law (sic) of the Reverend Author whom we answer, and his Friends, that we could not obtain of the Printer there to print the following sheets, which is the only reason why we have sent the copy so far for its impression, and where is (sic) printed with some Difficulty."

Bradford seems to have considered the last seven words to cast an imputation on his professional skill, and caused them to be taken out of the form, so that in most of the known copies they do not appear.

Such is the record of the New York press in the seventeenth century, so far as has now been discovered. The recall of Fletcher in 1698 deprived Bradford of a staunch and influential friend, and with Lord Bellomont, the new governor, he soon quarreled, the climax being reached in 1700, when his salary was suspended. But the suspension was only temporary. Bellomont died, and in less than a year, by order of Lord Cornbury, Bellomont's successor, Bradford's salary was restored to him. The beginning of the new century found the press firmly established in New York, and the first printer entering on a long course of well-merited prosperity.

A TRADITION OF SIMON KENTON

BY EWING BEMAN

SIMON KENTON is said to have been the representative character had in mind by the author of that famous old border ballad, "The Hunters of Kentucky," when he describes them as "half horse, half alligator," alluding, however, only to their courage and invincibility, not at all to bad qualities, as they were a noble group of men. He was born and lived until manhood on the identical ground famous in modern years as Bull Run battlefield.

The one dramatic love episode of his early days shaped all his after career, and no doubt had much to do in forming his character. His playmate from infancy was a lovely little brown-eyed girl, a year younger than himself, daughter of a neighboring famer. They were child-lovers, engaged soon after reaching their teens, an early match, but not to be an early wedding, as their parents forbade their marriage until he was twenty-one. Kenton was a knightly fellow, of gigantic but symmetrical stature, and excelling in the accomplishments of that chivalric era and region. But "the course of true love never runs smooth." His betrothed had kindred in Alexandria, then the metropolitan city of that part of Virginia, and thither she went, the winter she was seventeen, to pass a few weeks in fashionable and aristocratic society. Her rare beauty and simple country manners attracted much attention and flattery from the Alexandrian beaux, and it is no wonder her young head was turned. She learned the invincible power of beauty, and came home with dreams of conquests.

Kenton had lost none of his noble qualities either of looks or character, but in his lack of fashionable garb and society airs, of course he compared unfavorably with the Alexandrian admirers. Whether he at first detected the change in her or not

is unknown; but he soon had his eyes opened, as the next summer there came out from the city, in all the regalia and style of his circle, that particular young man who had been most profuse and acceptable in his gallantries to her during her winter visit. Now began a series of maneuvers most significant to the parties interested. The city man and the maiden sat and walked and rode together incessantly. Kenton noted it with grim amazement, his fond, proud, outraged spirit chaffing like a jealous lion. The country people watched the proceedings with pained curiosity, anticipating an explosion ere long that might be serious to somebody.

Days rolled away. At length Kenton, by his mother's advice, sought an interview with the girl. But he found her inaccessible, adroitly evading even his eyes, unless when she was attended by the Alexandrian gallant. What next should be done? Kenton accounted himself well-nigh as deeply wounded as if the girl were already his wife; and yet, in the eyes of law-abiding people, it would not do to proceed as if married.

As he frequently met the young men of the vicinity, his warm friends, they were not sparing of advice and suggestions of warlike nature, that being the fashion of the times; and when he seemed slow to appropriate their counsels, they taunted him with timidity in view of the stranger's reported prowess in the various arts of personal encounter. Even his own father said to him: "Simon, either give up the jade entirely and hold up your head, else show your mettle and drive the city fop out of the country. At any rate, act the man."

It would not be surprising if Simon had felt some hesitation respecting a personal encounter with the man, for his own age was but seventeen, while the other was nearly thirty, muscular, practiced in methods of combat, and of unquestionable courage, having given good evidence of it on several occasions. But young Kenton was unacquainted with fear. He was crushed by his disappointment and by the unmistakable fickleness of her whom he had deemed so faithful and faultless. As he stated afterwards, his slowness to act proceeded from his growing conviction that a woman so vain and changeable was not worth a fight.

But the storm broke at last. The young men of the vicinity made a harvest-home party for the express purpose of bringing Kenton and his rival together. It was held in a grove convenient to the homes of both Kenton and the girl, and every arrangement usual in those times was enlisted to secure an enjoyable occasion.

When the Alexandrian was invited he declined attendance on account of being a stranger to the whole company. But the messenger bearing the invitation was a man who would not flinch from saying whatever would accomplish his errand, and he exclaimed in a contemptuous manner:

"Ah! Are you afraid you may meet Simon Kenton there and have to settle accounts with him?"

This insinuation decided the high-mettled man, and he instantly replied:

"Kenton had nothing to do with my declining. However, if that is the way you view it, I'll be there, prepared to balance accounts with any comer."

Kenton also declined attending, but the hint that he feared to meet his rival touched his pride, and he declared his purpose to be present. The evening arrived and the whole country was on the ground, either as guests or spectators, drawn together by the expectation of something spicy between the two men. The night was favorable and the forest scene was entertaining indeed, lighted by hundreds of pitch-pine torches, enlivened by happy voices and the music of banjo and violin, and the dancers threading the sinuous forms of the old Virginia reel.

The stranger was present escorting Kenton's betrothed, and Kenton was there to see the two together. The girl was lovelier than ever, her color and gayety apparently heightened by the crisis, and as she danced with his rival figure after figure, displaying the same charming ways that had always fascinated Kenton, and which, hitherto, he had fondly deemed peculiarly his own by right of love and betrothal, the boy became fairly crazed with jealousy and despair.

Finally just before midnight, the negro musicians played a wild, minor kind of march, and the dancing changed for a time to a grand promenade. Now had arrived the opportunity de-

sired by the young country "bloods" who had originated the party; for, according to their view, it would be an everlasting disgrace to them all to allow the city gallant without opposition to win away the belle of the region from one of their number.

As the whole company was promenading round and round, to the sound of the weird tune, these fellows contrived to bring Kenton face to face with his rival and the girl. The throng was dense, and as they passed, Kenton's arm brushed her dress. She resented it with a motion and a word and instantly her escort halted, considering according to the code of the times, that "whatever affronted his lady was trebly an insult to himself." Kenton also stopped. The Alexandrian glared at him and exclaimed: "Young fellow! what do you want of this lady?" Kenton drew himself up to his full height, six feet four, and replied in a scornful tone, "Nothing! now that she has taken up with a fop like yourself."

Like a flash the stranger drew his sword, he being probably the only man on the grounds thus armed, as countrymen did not generally carry swords. But hardly was the blade out of the scabbard when Kenton sprang forward like a lion, clasped the man about the body, pinioning his arms and knocking the sword from his hand and raising him in the air as if he had been an infant, turned his head downward and feet upward and dashed him headlong upon the ground. Then stepping back he waited for him to rise. But as he moved not, several men came forward to assist him. They turned his face to the light and lo! his eyes were set, his features ghastly and his muscles relaxed.

Instantly one of the group turned to Simon and said:

"Kenton, his neck is broken. You've killed him."

A wild shriek rose on the air from the girl as she flung her hands above her head and fell in a swoon. A shudder passed through the company. Efforts were made to resuscitate the Alexandrian, and after several minutes, there appearing no sign of life, another man took Simon aside and said:

"Now Kenton, you've killed the man and no mistake. He has rich and powerful friends in Alexandria who'll push you hard by law. You don't want to go to jail, and so you'd better take to the woods. You're safe in the back country, but not here."

Kenton was not a hard young fellow. His heart was appalled at the fact that he had killed a man, and gladly would he have done anything in his power to recall the deed or make amendment for it. But the mention of jail struck the chord, so common in high-spirited men who cannot endure the shame of imprisonment; death is easier.

And turning his face to the westward, he plunged into the midnight darkness and the great woods, and fled for his safety. Nor did he stay his journey for many a day. Having not only lost his intended wife, but her very image in his heart being defaced by her faithlessness, and now fleeing as a culprit, while to his sensitive nature the dead man seemed calling for vengeance against him, he hastened on, resolved to make his home in the Kentucky wilderness. And true to this purpose, he joined Boone and his little band of hunters on the "dark and bloody ground," and gave his rare physical and mental abilities to the wild and perilous life of the borders.

Eleven years passed; pioneers were increasing beyond the mountains; every part of the east had representatives there. One day in 1782, as Kenton, in his canoe, coming down Licking river, rounded the last bend where it joins the Ohio, he saw a party of newcomers from the east just hauling their scow boat from the water, and apparently at a loss where to go or what to do next in that trackless region. Ever ready to render aid wherever needed, he joined them and volunteered to give them information concerning the country. After a long talk on matters of interest to them, he asked whence they came, and was answered "from Fauquier county, Virginia." He was startled by the reply. In all these years he had not heard from his native place; nor did he quite dare now to tell these men his name lest he should find himself already a renegade in their estimate. Reflecting, however, that they would not know him, he carefully smothered every sign of special interest in their section, and indifferently remarked that he had some general knowledge of a few families in old Virginia, and mentioned the name of one. The men gave him some information as to that family, and then he named another. Again they enlightened him, and again he

questioned, this time mentioning the Kenton family. The spokesman of the party replied:

"Well, the Kenton family have good blood, but of late they're very poor. Old man Kenton is far along in years, and his only boy ran away long ago. The young fellow had a love scrap and nearly killed a man from Alexandria, and then left. No doubt he thought the man quite killed and left to escape the law. But though he got well and married the girl, they never heard from young Kenton. It is generally believed he lost his life among the Indians."

During this recital concerning himself, Kenton's excitement, according to his own way of describing it, "raged like the Ohio in spring freshet." Calming his feelings as soon as possible, he said in the same quiet tone:

"Well, strangers, I've often heard of that same Simon Kenton out here on the borders, and the last time not very long ago."

This particularly aroused the strangers' interest, and they inquired further about him, declaring emphatically that nobody in Fauquier county condemned him, and that he need not hesitate to return at any time. At this Kenton arose, stretched his gigantic frame, drew a deep sigh of almost infinite relief, and exclaimed in a broken voice: "Well, gentlemen, I'm Simon Kenton, myself, and I'm almighty glad to hear from my old father and to know that I'm no murderer. Of the redskins and tories I haven't been so careful during late years; but that was lawful war. It does me a world of good to learn that my hands are clean of the blood of my own countryman."

Within a few days Kenton took his way eastward through the wilderness for Fauquier county, where in due time he arrived and was received as one arisen from the dead. In a few weeks he returned, his aged parents with him, for whom, until their death, he provided every comfort of the times and region.

ORIGIN AND ANTIQUITY OF HERALDRY

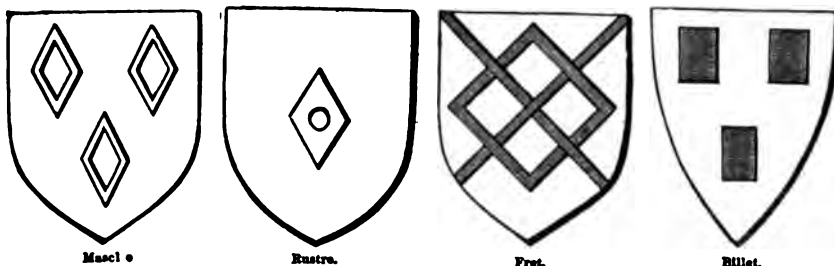
III

CONTINUATION OF THE DESCRIPTION OF THE SUB-ORDINARIES AS THEY ARE APPLIED TO COAT ARMOR

BY HENRY WHITEMORE

A MASCLE is a lozenge, voided of the field; that is when the middle part of the lozenge is evacuate or cut out after a square form like a lozenge and so differs from rustre, which is pierced with a small round hole, it is called mascle or maile.

The mascle has been not only anciently but frequently carried in arms all over Europe. Herald's make it to represent first the eye or ring to fasten a coat of mail, and so a piece of armor fit for a military badge. Others, with Sir John Ferne, make it to represent the mesh of a net, signifying that the first assumers of it had been prudent and politic in military affairs.



Some mascles were granted by King William of England to William Roumare for his military conduct and bravery in the Holy Land against the Saracens. Sir George Mackenzie says that mascles look like mirrors, and upon that account are carried by the name of purvis, deriving the name from the French word *pourvoir*, to see.

RUSTRE. This is a lozenge pierced round in the middle so that the field appears through. It is called *rustre* by the French and by the Germans *rutten*, said to represent the button end of lances used in tiltings and tournaments.

THE FUSIL, (representing a kind of spindle used in spinning) resembles the lozenge in shape, but is somewhat longer. Nesbit says: "The fusil is another rhombular figure like the lozenge but more long than broad, and its upper and lower points are more acute and sharp than the two side points. When the field or any figure is filled with them, being erectd in pale they are then only blazoned fusilly; but when they are horizontally fusilly in fesse, or in bar, if diagonally to the left, in bend sinister; and when diagonally to the right, in bend."

THE FRET is composed of six pieces, viz: two long ones in saltire, extending to the extremity of the field, and four pieces conjoined in the centre in the front of a mascle, interlaced or fritted by those in saltire.

"Fretted or fritti" says Nesbit, "is said when there are six, eight or more pieces, such as buttons, saltire ways, which fill the field, are so charged, the spaces of the field that are left by them, formed like lozenges, and the fritti resembles a grate, or lattice; but in this they differ, that the pieces of fritti are interchangably passing one over another and under the other, sometimes pale-ways, and bar-ways, and are always nailed at their points of meetings; whereas fritti is always bend-dexter, and bend-sinister ways."

Arms latticed differ from fritted ones, and are called by the French *treille*, or *treillesse*, from which the word *tirlace* for a lattice; these pieces which make it are not interlaid with one another as in the fritti, but tie straight upon the undermost, fixed with nails, which, if of a different tincture, are mentioned also in the blazon. Sir John Ferne says such arms were given to a French knight, and continued by his posterity, for taking Gundemarus, king of Burgundy, prisoner in battle; which arms he thus blazons, sable, a museon, (a cat) or, appert with a breillisse, gules, done argent.

When there are three or four or more figures, proper or natural, placed one over the other and under the other alternately,

then they are said to be fritted, as in the bearings of the surname of Tarbet, argent, three turbot fishes fritted proper, one fesse-ways looking to the sinistry, and two to the dexter chief and flank points.

Guttes are drops of things that are liquid either by nature or by art, and if they be yellow, they are called *gouttes d'or*, drops of liquid gold; when white, *gouttes del'eau*, or *larmes d'argent*; that is drops of water or tears, such as those with which they besprinkled funeral escutcheons and monuments, viz: the dead on the black field. Thus the members of the Order of St. Francis have for arms, *sable sane de larmes*, and a dove moving from the chief argent; the emblem of true repentance, coming from the Holy Spirit, represented by the dove.

When they are not color they are called *gouttes de sang*, or drops of blood; when blue, *gouttes de larmes*; when green, *gouttes de vert* which represents the oil of olives; and when black, *gouttes de paix*, from the French word which signifies pitch; though sometimes they are called *gouttes de sable*. These guttes may be deposed as other figures in armories, two and one, and of more, the greatest numbers are in chief; and otherways are after the position of the ordinaries. If these drops exceed the number of ten and irregularly sprinkle the field or charge they are called gutte.

Mr. Biggin gives an ancient bearing of drops by one of the name of Drop, lord mayor of London in the year Edward IV, viz: argent, goutte de poix, in a chief gules, or, lion passant guardant, or, which arms, says he, were standing in Cornhill, London, 1666.

BEZANTS represent in armories pieces of gold or silver and have their name from the city of Byzantium, now called Constantinople, where such pieces were coined. Lewis Lejeune, as the French historians tell, on his return from the Holy Land, brought home a quantity of besants of gold, and made an offeratory of them; and ever since, the kings of France, in the solemnities of their coronations, make an offeratory of pieces of gold which they call besantines. The kings of England have also done the same, as Camden in his "Remains," says that King Edward III. caused to be coined of gold, called besantine to the

value of fifteen pounds; for such use, says he, there were two pieces of gold used at the coronation of the kings of England, which had on one side a resemblance of the Blessed Trinity, with the words, "In honorem Sanctae trinitates," and on the other side, the picture of the Virgin Mary, with the words, "In honorem Sancta Maria Virginis." And those pieces were used by the kings of England in their offeratories, at their coronations till the accession of King James to the English throne, who likewise caused two besants to be made for himself and the queen.

TORTEAUX. This is a round figure and always of one of the colors received in the science of heraldry, which color must be expressed in the blazon; as *torteaux*, green *sable*, etc.; but the English appropriate particular names to them, as they are variously colored, except to those of red color, which they call *torteaux* without naming the color.

Torteaux represents in armory cakes of bread called of old *wastels*, which heralds take to represent in armories cakes and *wastels*, and are so taken by the Spaniards, of which a Spanish herald says, speaking of his "First Book of the Nobles of Andalusia," who carry in their arms *torteauxs*; upon their account he says that one of the kings of Spain being about to give battle to the Moors, convened his principal captains and commanders to eat, telling them that so many cakes as they did eat, each of them would kill as many Moors, and after a memorable victory, considering how many cakes each had eaten, some five, eight or twelve, took as many *torteauxs* in their arms as added them to their ancient bearings, and this is the reason why so many *torteauxs* are carried in the arms of the nobles of Andalusia.

BLAZONRY OF ARMS.

Blazon, or Blason is the proper technical description of armorial bearings, according to the scientific rules of heraldry. Nesbit thus derives the origin of the word:

"When the knight came near the barriers where joustings were to be held, he blew and winded an horn or trumpet, which

gave advertisement to the heralds who were there attending to come forth, to receive his name, armorial bearing, and his other proofs of nobility, which, accordingly they performed, and recorded them in their books from which, it is said, came heraldry, or art of blazon, a German word, which signifies to wind a horn, now taken for a regular description of arms in their proper terms. Whence the German families have their helmets frequently adorned with several horns and trumpets to show how often they had justed in tournaments."

In blazoning a coat of arms brevity is to be observed, and tautology avoided; care being still taken to give a minute description of every bearing, its position, place on the shield, tincture, etc. Though the same metal, color or fur may occur more than once in a coat, the repetition of its name should scrupulously be guarded against, by describing the charge which happens to be of a tincture already mentioned as of the first, second or third, according to the relative position that tincture may hold in the blazon; for example, the arms of Preston of Furness Abbey, are: "argent two bars on a canton of the second cinquefoil or in this blazon the color of the canton is described "of the second," to obviate the repetition of the word gules.

The next rule to be observed is to begin the blazon with the description of the field, its tincture or tinctures and name then the partition lines, of any wherewith it is divided as *per fesse*, *per pale*, *per saltire*, etc. The principle ordinary, if any, should next be described, with its tinctures, etc., and then the charges around it, generally giving the surcharges upon such ordinary, after those between which it is borne; the chief, canton, or any charge placed in a particular point of the shield, with its surcharges, if any, being generally blazoned last.

If a coat consists of two colors, only, it is blazoned, as in the arms of Kyrle of Hertfordshire, viz: "vert, a chevron between three fleurs-de-lis, or, which indicates that both the chevron and fleurs-de-lis are of the tincture or.

When the last mentioned charges, or bearing, is of the same tincture as that named immediately before it, and yet cannot be included under one word, it is necessary to describe it as "of the last": thus, in the arms of Dawson of Sutterby, argent two

pales sable, and a chevron gules on a canton of the last, a battle axe or of the last is used to prevent the repetition of gules.

If there be two sets of charges of equal number in any part of the shield, or one set of charges on an ordinary, between the same number of charges on the field, the repetition of the number must be avoided by describing the second set of charges by the words, "as many." Thus in the arms of Partridge of Breakspeares; gules, on a fess engrailed, cotised or, between three partridges rising, as many torteaux—the words "as many" prevents the repetition of the number "three" in this example.

When charges are borne without the interposition of the ordinaries, the exact position they occupy in the shield—fesseways, or in fesse, if in line across the field; paleways, or in pale, if perpendicularly, one over the other, and bendways, or in bend, if placed diagonally from the dexter chief to the sinister base,—must be described, as well as the attitude and tincture of such charges, as for example, Hackett of Hackettstown, Ireland; azure three lake fishes hauriant in fess argent on a chief of the second three shamrocks proper: in fess, denoting that the fishes are to be borne in a horizontal line across the field. Mauleverer of Armcliffe, county York, had: sable three greyhounds courant in pale argent collared or; in pale, signifying that the greyhounds are borne perpendicularly one above the other.

When the charges are three, whether with or without ordinaries, the usual way they are borne is two in chief and one in base, and this is understood without being mentioned; but if they be not so placed, or exceed the number three, their position must be specifically described according to the preceding rule, or if in horizontal rows of an equal or an unequal number, their number, etc., must be stated; the last remark, the arms of Langridge, or Langrich, will tend to elucidate, viz: argent six billets, three, two and one; implying that the six billets are borne in three rows, three in the uppermost, two in the second, and one in the lowest.



Rampant.

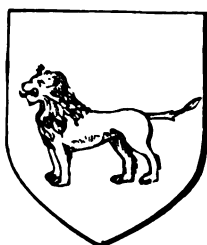


Passant.



Guardant.

Attitudes or Positions of Animals. When a lion or other beast of prey stands upright with only one eye seen, he is termed *rampant*: when walking forward, with one eye and ear seen, *pass-*



Statant.



Salient.

ant: when sitting *sejant*; when lying down, *couchant*. If in any of these positions the animal looks full face, so that both eyes and ears may be seen, the word *guardant* is annexed to *passant*, *rampant*, *sejant*, or *couchant*, as the case may be, and if he look back, the word *reguardant*. An animal is *saliant* when leaping forward bendways.



Couchant.



Coward.



Sejant rampant.

To griffins the term *segreant* is given in place of *rampant*.

Animals of the deer kind are otherwise blazoned. Thus, when looking full faced they are said to be *at gaze*; when standing, *statant*; when walking, *tripping*; when leaping forward, *springing*; when running, *courant*, and when at rest on the ground, *lodged*. A horse when running is blazoned *courant*, or in full speed; when leaping, *cabre*, *effray* or *saliant*; when rearing, *forcene*. Birds are blazoned, when standing with their wings down, *close*; when preparing to fly, *rising*; when flying, *volant*; when spread open with both wings stretched out, and their breasts seen, *displayed*. The wings open and against each other are called *indorsed*. One wing is a *demivol*. Fishes when placed horizontally are *naiant*; when perpendicularly, *hauriant*; when drawn in an arched form like the dolphin, they are *embowed*. When any living creature proceeds from the bottom of an ordinary, it is termed *issant*; when placed over two colours, *essant*; when coming from the middle of an ordinary or charge, so as to show but half the body and the tip of the tail, *naissant*. A serpent placed horizontally is said to be *gliding*.

MARSHALLING OF ARMS. Marshalling of arms is, strictly speaking, the proper arrangement in one shield, either by impaling or quartering of various coats. Guillim and Mackenzie define it to be "the conjoining of diverse coats in one shield."

IMPALING is the halving or dimidiating anything by a perpendicular line. In heraldry it appears to the method of bearing the wife's arms and is practiced in three different ways: The first rule is, by dimidiating, that is by dividing palewise, the shields of the arms of both husband and wife, into two equal parts, and then uniting the dexter half of the husband's with the sinister half of the wife's, thus forming a whole shield. This mode is styled *acolee* in French, and was that adopted by the kings of France in impaling the arms of Navarre. The second rule is, dimidiating the husband's arms, and impaling those with the full shield of the wife. The third and present rule is, the impaling of the two whole coats, except when there happens to be a border round one or both of them. In that case, the portion of the border is omitted when the two shields unite. Heraldic authorities give three rules to be observed in impaling arms:

First—The husband's ensigns are always to be placed on the right side, as baron; and the wife's on the left, as femme.

Second—No husband can impale his wife's arms with his own, on a surcoat of arms, ensign or banner, but may use them impaled on anything else which is not applied to the public service.

Third—No husband, impaling his wife's arms with his own can surround the shield with the Order of the Garter, or with any other order; for, saith Sandford, "although the husband may give his equal half of her escutcheon, yet he cannot share his temporary order of knighthood with her except she be a sovereign of the order." This restriction is not allowed by Edmundson who argues that there is not a single article in all the statutes of the order that debars the new made knight from continuing to impale, as he had done previously, his wife's arms. Some writers maintain that if a man have had two wives, he may impale the arms of both, on the sinister side; those of the first wife in chief, and those of the second, in base; others assert that he may place his own coat, in pale, and those of his two wives on the dexter and sinister side, but these positions, says another authority, are quite untenable. The intent of impaling is to show that the bearer is married to a woman of particular family; but, when by her death, the alliance is at an end, he ceases to use the ensigns of her family. Some instances occur of a widower continuing to impale the arms of his deceased wife, from a regard to her memory, but this practice does not accord with the laws of heraldry. The case differs, however, as regards a widow; whilst she remains such, she is obliged to bear the arms of her deceased husband. When the wife is an heiress or co-heiress, her husband, instead of impaling, bears her ensigns on a shield, in the centre of his own, styled an escutcheon of pretence.

QUARTERING. The practice of quartering arms is carried back by Edmundson to the commencement of the fourteenth century, at which period, according to that writer, John Hastings, second earl of Pembroke, was the first subject in England to assume the quartered coat. The object of quartering arms, is to exhibit the descent of one family from the heiresses or co-heiresses of other families. Thus, the children of an heiress or co-

heiress, at her death, are entitled to quarter, with their paternal coat, her arms, and all arms to which she may have been entitled by descent. In marshalling quarterings, the first following the paternal coat is that of the earliest heiress, and then succeed any quarterings her descent may bring in; with the second heiress, the same rule is followed, and so on, in chronological rotation, with every heiress from whom the bearer may derive.

When a daughter becomes an heiress to her mother (also an heiress), and not to her father, which happens when the father marries a subsequent wife, and has by her male issue, to represent him, she is entitled to bear the maternal coat with the arms of her father, on a canton, taking all the quarterings to which her mother was, by descent, entitled. When married, she conveys the whole to be borne on an escutcheon of pretence and transmit them at her death to be borne as quarterings by her descendants.

THE APPENDAGES OF THE SHIELD. These include the helmet, mantling, wreath, crest, supporters, and motto. The helmet, helme, casque, or morion has varied in shape in different ages and countries. The most ancient form is the simplest, composed of iron of a shape fitted to the head, and flat upon the top, with an aperture for the light. This is styled the Norman helmet, and appears on very old seals, attached to the gorget, a separate piece of armor which covered the neck. In the twelfth century, a change was made to mark the rank of the individual bearer. The helmet assigned to kings and princes of the blood royal is full-faced, composed of gold, with the beauvoir divided by six projecting bars, and lined with crimson. The helmet of the nobility is of steel, with five bars of gold: it is placed on the shield inclining to a profile. The helmet of knights and baronets is the full-faced steel helmet, with the visor thrown back, and without bars. The helmet of esquires, always depicted in profile, is of steel, with the visor closed. Each of these helmets is placed immediately above the escutcheon, and supports the wreath on which is the crest.

THE LAMBREQUIN is the mantle or hood, placed on the head, between the helmet and crest and depicted flottant behind the

wearer. Its shape was most capricious, for, as it was probably cut through and jagged by the sword, in battle, it afforded a certain evidence of prowess.

THE MANTLE, or MANTLING, was almost identical with the lambrequin, but it extended behind the escutcheon.

THE WREATH upon which the crest is generally borne, is composed of two cords of silk interwoven or twisted together, the one tinctured of the principal metal, and the other of the principal color in the arms. The wreath, in ancient times was used to fasten the crest to the helmet. It is circular, but, when depicted is shown in profile or side view.

THE CREST or COGNIZANCE, (derived from the Latin word *crista*, a comb or tuft), originated in the thirteenth century, and served to distinguish the combatants in the battle or tournament; for this reason no crest is allowed to a female. The crest, unless expressly stated to be on a chapeau or coronet, is always on a wreath, which need not therefore be named in the blazon.

SUPPORTERS are figures placed on each side of the shield, and appear, as the term implies, to hold up and support it. Menestrier derives their origin from a practice at the tournaments. On those occasions it was customary for the knights who took part in the joustings to have their shields and devices hung before their pavilions, and guarded by their pages, armor bearers, and servants, clothed in fantastic dresses or skins of beasts, according to the fancy of their masters, sometimes as savages, Saracens, sirens, etc., and sometimes as lions, bears, dragons, etc.

In England, the right to bear supporters is confined to peers of the realm, knights of the Garter and Bath, and to those who may have obtained them by royal grant. The practice of the sovereigns of England granting supporters to the peers of each degree seems to have commenced in the reign of King Henry VIII. as did that of granting the like ornaments to the knights of the Garter and Bath. Garter king of arms has not the power to grant them to any person below the degree of knight of the Bath, unless acting under especial direction from the sovereign; but in Scotland, Lord Lion may, by virtue of his office do so without any such royal warrant.

In ancient times, many personages who held high offices in the state, used supporters, as did various eminent, though unennobled families, viz: the Stevinings of Sussex, the Stawells and Luttrells of Somersetshire, the Tichbornes and Pophams of Hants, the Fulfords of Devon, the Savages of Cheshire, the Trevanions of Cornwall, and others.

“Hence,” says a learned heraldic writer, “it may justly be concluded that those families who anciently used such supporters, either on their seals, banners or monuments, and carried them in stone or wood, or depicted them on the glass windows of their mansions and in the churches, chapels, and religious houses of their foundation, endowment or patronage as perspicuous evidences and memorials of their having a possessory right to such supporters, are full and absolutely well entitled to bear them, and that no one of the descendants of such families ever ought to alienate such supporters, or bear their arms without them; because such possessory right is by far more honorable than any other modern grant of supporters that can be obtained from the office of arms.”

In Scotland the right to supporters is universally conceded to the chiefs of the various clans; and were granted to the Nova Scotia baronets by their patents of creations. In Ireland they are borne by the heads of the different septs; and in Wales, the barons of Edeirnian in Merioneth who enjoyed baronial rights in their domains and had those rights acknowledged and confirmed, after the subjugation of their country, by special grants from the English monarchs—enjoyed for a long series of generations the use of supporters.

DIFFERENCES, OR MARKS OF CADENCY, are the distinctions used to indicate the various branches or cadets of one family. The eldest son, during the lifetime of his father bears a label; the second, a crescent; the third, a mullet; the fourth, a martlet; the fifth, an annulet; the sixth, a fleur-de-lis; the seventh, a rose; the eighth, a cross moline; the ninth, a double quaterfoil.

ORIGIN AND USES OF NATURAL AND ARTIFICIAL FIGURES. Under

this head are represented the natural and artificial, the animate and inanimate, which retain their own proper names and colors, classified under the name of common charges. Of old, only hieroglyphics, emblems and devices, the early seed of armories, were composed of such figures, for the most ancient in Europe are but old emblems and devices regulated into a form and used as fixed hereditary marks of honor to distinguish the nobles from the ignoble.

Heralds tell us that the good and commendable qualities of figures which form armorial bearings do not give preference to some bearings before others which have not figures of the like commendable qualities, but that all arms are of equal honor and dignity, the bearers being of equal dignity. And though some consideration be had of the natural qualities of figures, by the first obtainers of arms to represent the like virtues and good qualities in themselves, yet these figures being hereditary and descending to all the issue, they cannot be supposed to represent the like good qualities in all of them, and cannot be taken as a silent surname, or tessera of their noble descent from the assurers and obtainers of such arms, that being the main end of armories as before defined, hereditary marks of honor, regularly composed of tinctures and figures granted by sovereigns for distinguishing persons, families and communities. Notwithstanding which, there is dignity, descent regularly, and beauty in armories, proceeding from the quality of the bearings—the regular disposition of the figures in the field, and a certain number of them which gives preference and lustre to the arms so formed.

Some figures are of more honor than others and have precedence in an armorial sense though not universally yet in some certain places, as for instance the armorial figures of sovereigns. Thus the lion and double tressure are the most honorable figures that can be used in Scotland, because such compose the imperial ensign. In France they are not so honorable, for there the fleurs-de-lis have the precedence. In Sweden the crowns are preferable to the lilies; and in the empire the eagle is preferred to all other figures. These within their respective dominions and jurisdictions are to be considered as feudal arms,

being those of patrons, which the vassals and clients carry in imitation of their over-lords and patrons, may be reckoned preferable within their jurisdiction.

In commendation of armories it is said all creatures are presumed to be carried upon account of their noble and best qualities; as a lion for his magnanimity and not for his rapacious nature; a fox for his wit and cunning, and not on account of his pilfering and stealing. This, says Guillim "is the honor of a gentleman of coat armor (the first obtainer of arms) to have his virtues under these types, and to consider the commendable properties of such tokens as he bears, thereby manifesting to the world that he hath the like good qualities in himself."

It is evident that ravenous creatures ought to be represented in armories in their fiercest postures, as lions, boars, etc., *rampant*, that is, erected, because they are presumed to show their strength, etc. Other creatures that are not wild and ravenous, ought to be represented in their noblest postures, as a horse *salient*, a greyhound running, etc. Creatures that are remarkable for any posture ought to be carried in that position, as a lamb *passant*, because it is naturally simple, a serpent gliding, or circling in a knot, because remarkable for that posture.

All creatures that have fore and hind parts, ante and post, should be carried in armories looking to the right side of the shield; if to the left they are said to be *contourne*. When two animals are in one field they are always placed by the Germans, *affronte*, and look to one another, but not so by other nations.

Heralds tell us that when arms of subjects are set up, or painted near the place where the sovereign ones are, all the creatures in the arms of the subjects are to be turned looking to the sovereigns. When creatures are painted upon banners they must look to the staff; when upon caparison and other horse belongings they ought to look to the head of the horse or beast that bears them; and so of all things whose parts are distinguished by ante and post. The most commendable part of any creature in armories is the head; for that, say heralds, shows that the bearer feared not to stand before the face of his enemy.

Number is counted by some to be one of the elements of

armory, without which arms cannot be, for in them must be some number either of lines or tinctures or resemblance of things. Number (or rather things numbered in arms) is finite and indefinite; finite when number is certain, as one, two, three, or more; indefinite when number is uncertain in armories, as when they are sixteen and are irregularly situated. Number in blazon is said to be *sans nombre*, or *seme sans nombre* is said of figures when more than sixteen, and irregularly situate, and all entire within the shield; which the English call arms gerated, or powdered with such figures. The term *seme* more frequently used in blazon is thought to be brought from the Latin word *seminaria*, to sow, because then the figures are sown over the field as seed. Some bring the term *seme* from *semi*, half a thing, because the half part of some of the *seme* figures appears in the sides of the shield. And so *seme* differs from *sans nombre*, gerating or powdering; as the old arms of France, azure six fleurs-de-lis, or. And in the arms of the Durmonts, or seme of hearts gules, three lions passant guardant azure.

OF CELESTIAL FIGURES; THE SUN, MOON AND STARS, ETC.

THE SUN, the chief of all the planets and celestial bodies is Latinized say some when it is seen alone in the heavens. When the sun is of metal, or, in blazon it is said to be proper, or in its splendor and glory; and it is always represented with rays and beams, whereof the one half are straight, being the beams; and the other, the rays, are crooked or waved, the number of them being ordinarily twelve to sixteen.

When the sun is represented in arms, if one of the colors in heraldry, it is called *ambre du soleil*—the shadow, or ray of the sun.

The family of Hedalgo, in Spain, had azure, the sun or, surrounded with stars of the same; and the body of the sun parted per pale, with the arms of Castile and Leon, because one of the family, grand master of the order of Calatrava, being at the siege of the castle of Vilohes in Spain, then in the hands of the Moors, was the first that mounted on the wall, and planted the standards of Castile and Leon, then in the presence of their kings.

THE MOON, says Sylvester Petra Saneta, is never carried in arms full, but he gives no reason for such statement. In devices it has been used full, as in that of the dauphin of France, which had the full moon for the body and for the soul. Guillim says when we blazon by planets we name gold *sol*; and silver *lund*; and for a further distinction of it from the sun its rays are small, as the light of the moon is weak; the arms of John de Fontebras, accounted the sixth bishop of Ely, in England, azure, the sun in chief, and full moon in base within an orle of seven stars or.

The half moon is frequently in armories an ancient sign of honor with many nations. The Jewish priests as a sign of eminency had their tires and mitres after the form of a half moon: as the prophet Isaiah tells them, that their lives like the moon, should be taken from them. "It is worthy of observation," says one authority that "neither of the terms by which the Hebrews designated the moon contains any reference to its office or essential character; they simply describe it in the accidental quality of color, signifying pale, yellow, white." The Romans used the half moon as a sign of honor which, called *lunati calci*, they wore on their shoes, and which were allowed to none but those who were nobles. The prophet, Mahomet, who appeared in A. D., 674, had an half moon on his ensign, which is still continued; and St. Lewis of France, in 1269, upon his expedition to Africa to honor and encourage his subjects instituted an order of knighthood called the Double Crescents—or half-moons.

(*To be continued.*)



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POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY 1801-1835

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I—INTRODUCTION

IN our political and party treatment of the national judiciary during its formative period, an attempt was made to show the lack of knowledge on the part of the political factions, of the true meaning and force of the written laws which created a supreme tribunal. An effort was made to contrast the political discussions so evident at the time these organizations took on some definite shape. Early interpretations were considered in order to elucidate the diversity of such political beliefs.

It became perfectly evident, during the latter part of this formative period, that ultimately the growing political rancor would result in the complete overthrow of our "least powerful branch of the government," or in its complete triumph over the legislative and executive branches of the federal government. We saw that Jeffersonian jargon about liberty, equality, and the rights of the people, was finally victorious in 1801. Under the new regime, the shaping and forming of the judiciary upon a lasting foundation (if it was ever to be thus), was the then thankless and unenviable task of the Federal chief justice, John Marshall.

There was no real definition as to the exact extent and limitations of the judiciary. But the bold, fearless, and aggressive acts¹ of President John Adams, just previous to his retirement from office, clearly indicated, to the average politician, that there was more hidden power in this branch of the government than was consistent with popular rights. The general opinion seems to have been that the department was to be whatever it declared

1. I refer to the appointment of the "midnight judges."

itself to be. The intrepid Jeffersonians were fully determined to check, at any cost, this growing tendency toward independence. Their efforts were not characterized by any marked successes during the early period of the judiciary. Perhaps the greatest direct result of their activities was the unbounded interest which was soon manifested in the Democratic-Republican cause. This growing restless spirit, which did much to render decisions of the supreme court futile, readily received the Kentucky and Virginia resolutions. These expositions, typical of the growing movement, made it almost an impossibility to give weight to such judicial decisions. And it was only after a long period of intense factional strife, culminating at the completion of Jefferson's administration, that any character was to be substantially given to the supreme tribunal.

The early² opinion and belief that the least dangerous branch of the general government was the judiciary, was no longer upheld. With the close of the Adams administration, a radical change had been almost instantly wrought with respect to the department. A general and seemingly just view was held by Federalists as well as Republicans, that the defeated party had retired into the judiciary, where it expected to exercise constitutional checks over the other branches, directly controlled by the victorious Democratic-Republicans. What could be more distasteful to the successful opposition than this?

The Chisholm case³ in the eleventh amendment indicated that there were not a few popular politicians who, attempting often earnestly to curry political favor, did not intend to have the judiciary control their political views. This act indicated, even more clearly, that the legislature would take aggressive steps to assert its superiority.

The measures taken by the Federalists to secure and maintain supremacy, by the aid of the judiciary, forced the department to become a factor in the political arena for many years to come. If Federal supremacy was more powerful when the tribunal was an auxiliary to the executive, the Republicans were more anxious to employ similar methods in building up the so-called, "government of the people."

2. 1790-1792.

3. "Life and Writings of A. G. Dallas," by G. M. Dallas, vol. 2, p. 419.

The material strength of the popular party, at the close of the period ending in 1801, made the coming struggle for judicial interpretation almost a radical assertion of the subserviency of the Federal to the State court. The oppressive opposition to the tribunal was greatly enhanced by the split in the Federal ranks. This disunion and discontent was the resultant of a complication of kindred causes which gave to the Republican faction a much coveted opportunity for prompt action. Attempts were made, therefore, to place the supreme tribunal on a new political basis—to destroy its complete independency and make it dependent upon the legislature.

II—MARSHALL AND HIS PROBLEM

In former fragmentary treatments of the national judiciary, little significance has been attached to the department when John Marshall was appointed chief justice in 1801. The problems were, indeed, perplexing. New questions of political science were to be solved and their solution was so complete and convincing that few of our American students realize what Professor Bryce calls "that immense complexity which startles and at first bewilders a student of American institutions."⁴ It can be quite truthfully said that the fate of our national judiciary hung in a balance in 1801.⁵

Marshall, in the political sense of the word, was no politician. This fact is amply illustrated by his life long connection with Judge Story, an active Republican. Marshall was in the judicial chair, first and last, to decide questions of law according to the constitution, not according to any political bias. "That this court dares not usurp power," he says, "is most true. That this court dares not shrink from its duty is no less true."

From the establishment of the judiciary in 1789, until the end of Adams administration, there were but six cases of any political or constitutional importance. During the succeeding period, from 1801 to 1835, there were no less than sixty-two cases, all of a momentous character. It must not be overlooked

4. "The American Commonwealth," by J. Bryce vol. 1, pt. 1, chapter II, p. 14.

5. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 458.

that these cases, prior to 1801, were made a part of judicial interpretation before the constitution had taken a decided stand with reference to the inner workings of the government.

The creation of a national judiciary, as well as a national government, by the terms of a written paper, was a mere novelty, a daring experiment, before 1801.⁶ The difficulties and interpretations that of necessity must arise, sooner or later, were destined to be worked out to a successful culmination by the appointment of a man⁷ who had never filled any judicial station before that of chief justice. The step taken by Adams was a bold one, for it later appeared that the chief justice was in the habit of reaching conclusions where books could furnish him little aid in the solution of the problems presented to him for consideration.

What were, then, the questions of the day which presented themselves for consideration. A careful investigation seems to indicate that there were four main issues. First: Is the federal government the final judge of the extent of its own powers under the constitution? Second: Is the supreme court a subsidiary tribunal which must take the law from congress, presidents, or from state tribunals, or is it an independent tribunal endowed with full power to finally construe the constitution and judge of its own jurisdiction? Third: Is the federal government a sovereign nation, established by, and acting upon, the people, or is it a mere compact—whereof no common and final judge is provided? Fourth: Is the federal union perpetual, or may it be at any time dissolved by the action of one or more of its numbers?

Jefferson's long and active hostility to Marshall made an administrative clash between the two Virginians inevitable. The attitude of Jefferson, at his inauguration, indicated that Marshall was to be defied and humbled. That Jefferson contemplated shelving the chief justice can not now be doubted by careful students of this epoch.

Jefferson's often quoted phrase indicated that the judiciary

6. "John Marshal," by A. B. Magruder, p. 161, *et seq.*

7. Marshall was secretary of state until the end of the Adams administration in March, 1801. On the resignation of Ellsworth and the reclination of Jay he was appointed to the chief justiceship.

was to be of little real importance, under the new administration except to further Republican political ambitions. He earnestly believed, we think, that the judiciary could only act when called upon to do so. "It has neither force nor will," he says "and must ultimately depend on the executive arm even for the efficiency of its judgments."⁸

The releasing⁹ of all prisoners that had been imprisoned under the alien and sedition laws,¹⁰ was symbolic of the tenor of the new administration. Certainly, the judiciary was not to be placed at the apex of the political pyramid. It was to be humbled, to be made dependent upon the other branches of the general government.

The very conception of the judiciary was at war with Republican ideals and current political speculation. Was this branch to be independent of the legislature—the people? A man, as chief justice, appointed by one generation, was he to interpret laws for another? The whole system was wrong, and the solution of any question that left the court free to interpret the constitution was unrepblican.¹¹ To the loyal Republicans,¹² there was just cause for hostility to the judiciary. Had not the tribunal attacked the idea of state sovereignty? Had it not asserted itself as the final arbiter? Were not the judges independent of the people? What was the Judiciary Act of 1801, if it was not a piece of defiant legislation?¹³

Thus, Chief Justice John Marshall was confronted with the hostility of the executive and legislative branches of the government when he entered upon the duties of his office. Two solutions of the question were presented. He must either render his decisions independent of the new administration, and in accordance with the law, as he saw it; or he must become a tool of the new power. The hopeful Republicans believed that "pressure" could be brought to bear, and, ultimately, the chief jus-

8. "The Federalist." No. 78.

9. Randolph "Works," vol. 4, p. 23.

10. American Historical Magazine, vol 3, p. 92 *et seq.*

11. "Political Parties," by Gordy, vol. 1, p. 357.

12. There was a certain element, however, that did not oppose the judiciary as it then was.

13. "A History of the People of the United States," by J. B. McMaster, vol. 3, pp. 163-4.

tice would not attempt to exact the full measure of the laws as the Federalists saw it.

III—*MARBURY v. MADISON*. 1803

It has been the general opinion that the case of *Marbury v. Madison*¹⁴ was the first of its kind to bring before the people the question of the constitutionality of a law. Five years before Chief Justice Marshall rendered his famous decision, Justice Iredell of North Carolina made a clear and comprehensive statement, in the case of *Calden v. Bull*,¹⁵ that throws some light upon this general false impression. He says: "If an act of congress, or of the legislature of the state, violates those constitutional provisions, it is unquestionably void, though I admit that as the authority to declare it void is of a delicate and awful nature, the court will never resort to that authority but in a clear and urgent case."¹⁶

Marbury was one of the "midnight judges," having been appointed to one of the circuits by President Adams the night before his retirement. Marbury's appointment had been confirmed by the senate, his commission had been signed by the President and passed under the seal of the state department. But before it was delivered, the administration changed. Jefferson gave his secretary, James Madison, instructions not to deliver the commission.

Marbury commenced suit to compel the delivery of his commission. He asked the senate for a copy of the "executive Journal," in order to verify his claim. By refusing the journal, the senate showed that it intended to keep aloof from the coming controversy between the executive and the judicial departments.¹⁷ Marbury then asked for a writ of mandamus, to compel the delivery. The question instantly arose: Did the court possess original jurisdiction in cases except those fixed by the constitution?

It was held that the power and duty granted by the constitu-

14. "Reports of the Supreme Court," by William Cranch, vol. 1, p. 137.

15. "Life and Writings of A. J. Dallas," by G. M. Dallas, vol. 2, p. 286.

16. *American Law Review*, vol. 30, p. 360.

17. "Annals of Congress," vol. 12, p. 40.

tion to the judiciary extended only to "cases arising under the constitution and laws of the United States." The judiciary was not instituted primarily or secondarily to deal out political advice. It could only legally and properly exercise its prerogative when a "case" arose involving a question of the validity of the law.¹⁸

III—*MARBURY v. MADISON*. 1803

From a constitutional point of view, there were two questions to be considered. Whether the authority thus given to the supreme court, by the said act, to issue writs of mandamus to public officers, was warranted by the constitution; and, if not, whether the court was competent to declare void the act which undertook to confer the authority.

Jefferson deemed the delivery of the commission essential to the completion of the deed¹⁹. His open assertions regarding Marshall's "twistifications" and "cunning sophistries with which he was able to enshroud himself," indicate to what extent the new president was ruled by judicial logic.²⁰ He attacked the permanency of the judiciary as a political evil.²¹ He had no other object in view than to decrease the importance of the department, and its chief, especially. To win popular support, he clung to the following Republican truth with dogged tenacity. "A judiciary department independent of a king or executive alone is a good thing; but independent of the will of the nation is a solecism, at least in a republican government"²²

While the intense hatred which Jefferson had for Marshall can hardly be exaggerated, he never openly accused Marshall of wilful or intentional error. He did say, however, that judges should be removed whose erroneous biases were leading toward dissolution.²³ The very idea of cooking up opinion in conclave begot suspicion. There was a mistrust that something was being done which would not bear the light of publicity.²⁴

18. *American Law Review*, vol. 30, p. 362 *et seq.*

19. "The Works of Thomas Jefferson," vol. 7, p. 135.

20. "The True Thomas Jefferson," by W. E. Curtis, p. 78.

21. *Ibid.*, p. 305.

22. "The Life and Writings of Thomas Jefferson," by S. E. Forman, p. 273.

23. "The Works of Thomas Jefferson," vol. 1, p. 113.

24. "The Case Between Jefferson and Marshall," by U. M. Rose. p. 23.

In its vindication of the power of the court to declare an act of congress void for some constitutional reason, the judiciary encountered severe political resistance, both from the legislature and the executive. Yet the court went a step farther and asserted the duty and power of the judiciary to compel obedience to the law in all matters not political or discretionary, even by the highest executive officers. The decision established principles on which all present views of constitutional law rest. The constitution had, then, created a government of laws, destined to rest on a firm footing. But the open defiance, on the part of Jefferson, at the time of the decision, made the outlook doubtful. Jefferson did not consider the ruling binding because of the want of jurisdiction in the court that rendered it.²⁵ Was not each branch independent? Were not questions of the constitutionality of a law to be decided by each department as it saw fit.²⁶

Yet Marshall did not come directly in conflict with Jefferson upon great constitutional issues. The collision was truly a political one. Marshall sought to terminate a controversy, not to excite one, and his humiliation, at the failure of the "midnight appointments,"²⁷ with the repeal of the act establishing the circuit courts, made him almost believe that there was little real importance to be attached to the tribunal. An extract from his opinion in this case expresses, not only his clear logic, but shows the real essence of the whole case.

"When the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But when a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the injured has a right to resort to the law of his country for a remedy."²⁸

The decision never executed, the principle was destined to

25. *Ibid*, p. 20.

26. "The Constitutional History and Government of the United States," by J. S. Landon, p. 231.

27. "Thomas Jefferson," by J. Schouler, p. 231.

28. "Reports of the Supreme Court," by William Cranch, vol. 1, p. 166.

regulate all later interpretations of the functions of the judiciary.²⁹ The lasting effects of this decision rapidly became important. Very soon after the retirement of Jefferson, the "Marbury Case" was frequently cited.³⁰ A peaceful settlement of the controversy was not made possible at this time. The most disturbing questions with reference to the judiciary remained unsettled. The authority of the department was not recognized, and effective work was seriously retarded.

IV—REPEAL OF THE JUDICIARY ACT OF 1801

The affair of the "midnight judges" had, ever since the election of Jefferson, been a subject of detestation in the eyes of the new Republicanism. It was thought that a counterstep must be taken to humble the judiciary and those party leaders who had caused the enactment of the recent law. The Republican majority in congress seemed to make such a step possible, but there were several points of constitutionality which made the conservative politicians doubtful as to the expediency of so doing.

Jefferson, in his first message, was eager for the conflict, but he was not over aggressive, simply saying: "The judiciary of the United States will, of course, present itself to the contemplation of Congress."³¹ The reason for this conservatism is quite obvious. A letter³² of Jefferson's, published recently, leaves no doubt but that he intended to rule the judiciary, and his apparent backwardness at this time was but a political venture.

The Federal idea was one which contemplated the complete independence of the legislative and judicial branches of the general government.³³ This minority thought that there was imminent danger of the states passing laws inconsistent with the spirit of the constitution. The executive, vested with specific

29. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 468.

30. *American Law Review*, vol. 35, p. 69.

31. "A Compilation of the Messages and Papers of the Presidents," 1789-1897, vol. 1, p. 331.

32. "Life and Letters of George Cabot," by Henry Cabot Lodge, pp. 338-339.

33. "Annals of Congress," vol. 10, p. 97.

power, might usurp powers even beyond the ample construction of the law.³⁴ True it was that the powers and limitations of the constitution had been discussed with partisan heat during the recent campaign. Yet the growing question as to whether the judiciary was to be an arm of the legislature was not given final consideration until after the campaign was over.

Before the election of Jefferson, so little importance was attached to the tribunal that Jay thought himself going to rust in the judiciary department,³⁵ and preferred to be Governor of New York. But the retractive measures of the Federalists, just after their defeat, placed the department in its true political light. The question became a vital one. Was the judiciary to be a co-ordinate branch?

Mr. Breckenridge, of Kentucky, spoke on the repeal of the measure: "The judicial powers given to the federal courts," he says, "were never intended by the constitution to embrace, exclusively, subjects of litigation, which could, with propriety, be left with the State courts. Their jurisdiction was intended principally to extend to great national and foreign concerns."³⁶

Mr. Giles seriously feared the monarchical tendency, so conspicuous in the judiciary.³⁷ A true Democrat might have said that he wanted an elective judiciary, or would have insisted that the whole judiciary must be made subject to removal by the legislature.³⁸

The general belief was that the judiciary law of the last session had arisen as the result of a disposition to provide for the warm friends of the then existing Administration.³⁹ If one legislature had a right to pass such a law, why did not another have equally the same right to repeal such legislation? But could the act be repealed? Judges once appointed, were appointed for life. The sum of the argument for the repeal divided itself into two main heads. First, the expediency of repealing the law contemplated in the resolution. Second, the constitutional power of Congress to repeal that law. Arguments for

34. "John Marshall, by J. F. Dillon, vol. 1, p. 474.

35. Ibid, vol. 1, p. 476.

36. "Annals of Congress," vol. 11, p. 26.

37. "A History of the United States," by Henry Adams, vol. 1, p. 292.

38. Ibid, vol 1, p. 297.

39. "Annals of Congress," vol. 11, p. 36.

the repeal were urged on purely political grounds, and the assertion was made, with some direct force, that members were elected to repeal the act. "Why guard against the power to deprive these new judges of their pay in a diminution of it, and not provide against what is of more importance, their existence."⁴⁰

Senator Morris, of New York, was active in his opposition to the repeal.

"What will be the effect," he says, "of the desired repeal? Will it not be a declaration to the remaining judges that they hold their office subject to your will and pleasure? It will be that the check established by the constitution, wished for by the people, and necessary in every contemplation of common sense, is destroyed."⁴¹

But this was the condition desired by the Republicans, and Senator Morris' argument was turned with the desired effect.

The southern view on the repeal of the act was not uniform. Senator Jackson, of Georgia, seemed undecided, while Calhoun was highly opposed to the proposed measure. He thought the judges, after the repeal, would be little more than creatures of the legislature, subject to its whims, caprice, and party spirit. There would then cease to be a check or barrier between the legislature and the people, in cases of unconstitutional acts and abuse of power.⁴²

Mr. Dana, of North Carolina, was pleased that our country would now be checked from party triumph.⁴³ He must have been either utterly ignorant of the general conditions of the times, or deeply effected by his own party sentiment. Randolph was anxious to know if the judiciary was a co-ordinate or paramount department of the government.⁴⁴

The Federal argument was placed in the main, upon this point—that the judiciary was a check on the legislature, and, by the spirit of the constitution, it ought to be independent beyond

40. Ibid, vol. 11, p. 33.

41. Ibid, vol. 11, p. 50.

42. "Annals of Congress," vol. 11, p. 144.

43. Ibid, vol. 11, p. 479.

44. Ibid, vol. 11, p. 520.

the control or influence of the other departments of power.⁴⁵ It was the judiciary only which could reach the person, the property, and the life of the individual.

There was an element, opposed to radical measures, that was entirely out of sympathy with the agitation. It was zealous to abolish the existing dangerous pretensions which were threatening, almost to perdition, our best securities against future oppression. Party triumph had too long predominated, they contended, and it was time that it should cease; for a long continuance of such management would only entangle us in an endless labyrinth of confusion.⁴⁶

But the party affiliations were stronger than had at first been thought, and the repeal,⁴⁷ was passed on strict party lines.⁴⁸ The conservative wing of the Republican party, strong but not powerful, brought about a supplementary act, which may have been for the purpose of preventing Chief Justice Marshall from declaring the abolition of these circuit courts unconstitutional.

The first political move, to gain control of the supreme court, was a decided victory for the Republicans, and the department seemed powerless. It looked as if the legislature, through the aid of the executive, was to dictate to the judiciary branch of the general government. It was believed by many partisans of the day that the people had secured a victory.

V—REPUBLICAN TRIALS

1. Judge Pickering, 1804.

The conviction of Judge Pickering in 1804, on a mere inquest, of high crimes and misdemeanors,⁴⁹ was only a prelude to the trial of Samuel Chase. That Judge Pickering deserved such censure, on account of his bad habits, is true. This trial seemed to have decided whether it would pay any party to make an open attack upon the judiciary.⁵⁰ In the eyes of Randolph, Macon, Giles and Nicholson, this action was simply a declaration that

45. Ibid, vol. 11, p. 574.

46. Ibid, vol. 11, p. 479.

47. March 2, 1802.

48. Vote: 59 to 32.

49. "Annals of Congress," vol. xiii, p. 357.

50. "Southern Statesmen of the Old Regime," by W. P. Trent, p. 127.

the judge held dangerous opinions which made his removal a necessity. The Senate, however, was not to be considered a court of justice, but a part of the constitutional machinery, to make political appointments and removals.⁵¹

The *National Intelligencer*,⁵² expressing a Federal view, contended that the Republicans did wrong to convict Judge Pickering on the charges of high crimes and misdemeanors, when they knew of his intemperance. Nothing was said respecting the political significance of the trial. The case attracted little attention, for the general character of the Judge was known.

2. Judge Samuel Chase, 1804.

After the defeat of the Federalists, Judge Samuel Chase appended to his charges to the grand juries of his circuits such political disquisitions as the fortune of affairs might seem to demand.⁵³ He was, indeed, imbued with the party spirit, and if ever a man deserved to be impeached for political bias, Judge Chase was that man.

The Jeffersonians saw in him a radical type of what the entire department might in time become, and it was for this reason that active steps were taken to bring about his removal. This political manoeuvre to place another man in the seat, was met with some favor even in the Federal ranks, for Judge Chase has taken undue advantage of his position and had exerted political power unbecoming to his office. Perhaps one thing that excited the open Republican hostility against him more than any thing else, was a speech which he delivered to a grand jury,⁵⁴ wherein he berated the Republicans for having repealed the Judiciary Act of 1801. This fact offered a narrow foundation for urging his impeachment.⁵⁵

The effort to impeach Judge Chase, viewed in the light of future history, was little less than a preparatory step for a general onslaught upon the bench. The trial made no secret of Republican ideas, i. e. that the judiciary was a political body removable at will. Jefferson believed that the recent actions

51. "John Randolph," by Henry Adams, p. 133.

52. May 9, 1804.

53. "The History of the United States," by R. Hildreth, vol. 5, p. 511.

54. "Annals and Pleas for his Defence," by S. Chase. (Phila. 1805.)

55. "Thomas Jefferson," by J. T. Morse, p. 263.

of Judge Chase clearly indicated that the department was a body like gravity, ever acting with a noiseless foot, and unalarming advance, gaining ground step by step, engulfing insidiously the special governments into the jaws of that which fed them.⁵⁶

Mr. Elliot, of the House, remarked during the discussion on a proposed bill to bring about the trial of Judge Chase:⁵⁷

"I am of the opinion that this house possesses no censorial power over the judicial department generally, or any judge in particular. They have alone the power of impeaching them; and when a judge shall be charged with flagrant misconduct, and when facts are stated which shall induce them to believe those charges true, I shall be at all times prepared to carry the provisions of the constitution into effect."⁵⁸

Mr. Lowndes expressed quite clearly the gist of the trial when he said:

"Suppose parties to be nearly equally divided; a member has only to propose an inquiry into the conduct of any officer to whom he may feel inimical, and thereby throw a cloud upon his character, and render him the object of suspicion. . . . Thus do I fear that this precedent will furnish the instrument of vengeance of one party against another. The price we pay for our liberties is the existence of parties among us; but it becomes us rather to restrain than invigorate their passion."⁵⁹

The trial of John Fries⁶⁰ was one of the subjects around which the Republican argument centered. The conduct of Judge Chase in this case was censured severely. The testimony⁶⁰ of

56. "Work of Jefferson," vol. 10, p. 185.

57. "Trial vid., "Annals of Congress," vol. 14, pp. 81-676.

58. "Annals of Congress," vol. 13, p. 807.

59. "Annals of Congress," vol. 13, pp. 825-6.

Vid., Answer and Pleas," by S. Chase, p. 13.

60. Testimony of Mr. Lewis: "That Judge Chase, at the moment when Fries was placed at the bar, handed or threw down to Mr. Caldwell, the clerk of the court, one or more papers, and at the same time delivered himself, in substance, as follows: That he understood, or had been informed, that on the former trial or trials, there had been great waste of time, by counsel making long speeches to the jury on the law as well as on the facts, and on matters which had nothing to do with the business before the court; and he particularly noticed, in strong and pointed terms of disapprobation, their having read, and I think having been permitted to read, certain parts of certain statutes of the United States, relating to crimes less than treason, in order to show that the prisoner's case came within them, and

Mr. Lewis throws much light upon the methods employed by Judge Chase at the bar. But the question was raised by the defenders of the judge that if one of the judges of that court was guilty of misconduct, the other⁶¹ attending judge must of necessity be equally guilty.⁶² Fries was pardoned in 1801. Why was not the inquiry then made? If it should be argued that it would have been impudent to make such a charge when the Federalists were in power, why was it not made in the seventh Congress.⁶³ How could this high regard for the department, which Republicans professed, be justified?⁶⁴

In his "Answers and Pleas," Judge Chase says: "Courts of justice must regulate themselves by legal principles, which are fixed and universal; not by delicate scruples, which admit of endless variety, according to the varying opinions and feelings of men."⁶⁵ In fact, the superior argument of the judge was one of the causes for the failure of his impeachment. Randolph, the prosecutor, was unable to fathom the long and intricate argument, although he was a lawyer of no mean repute.

Judge Chase was not convicted. A failure to get two-thirds of the senate destroyed the Republican hopes. As a result of this trial, Jefferson came out with a proposal in favor of changing the constitution so that a person might be convicted by the concurrence of a majority of both branches of the legislature.⁶⁶ This constitutional change would have given to congress, an ap-

which he said he, or the court, (I do not recollect which), would not suffer to be read again, as they had nothing to do with the question. He added that we are judges of the law and understand it, or we are not fit to sit here; that cases at the common law, or under the statute law of England previous to the English revolution, had nothing to do with the question, and that they would not suffer them to be read; that they had made up their mind on the law, and had reduced it to writing, and that the counsel might conduct themselves according, (or conformably to it), he or they had ordered copies to be made, and one of them to be delivered to the counsel in support of the prosecution, and another to the prisoner's counsel, and that as soon as the case was opened or gone through on the part of the prosecution, he or they, (I am not certain which), should order one to be delivered to the jury. He also added that, if we had any fault to find with the opinion of the court, or had anything to say on the law, to show that they were wrong or had mistaken it, we must address ourselves to the court, and not to the jury," "Annals of Congress," vol. 13, p. 1172.

61. Judge Peters.

62. "Annals of Congress," vol. 13, p. 823.

63. This was the eighth.

64. "Annals of Congress," vol. 13, p. 837.

65. "Answers and Pleas," p. 35.

66. "Works of Thomas Jefferson," vol. 10, p. 198.

peal from the supreme court, and ultimately have lead to confusion and disaster.

The amendments that were introduced in congress after this trial, to make impeachment easy and effective, are indicative of the former spirit manifested in the eleventh amendment. That these proposed changes were but the result of the Republican discontent, every student of our political institutions will admit.⁶⁷

This affair was the last fight of the Jeffersonian Republicans, and wavering under the defeat, they broke into factions which slowly forgot their open hostility to the judiciary. That such a battle must be fought, in order to attempt to control the department, was generally believed by most Republicans up to this time.

3. Aaron Burr, 1807.

It would be out of place for us to attempt at this time any discussion of the trial of Aaron Burr. The general facts of the trial are, perhaps, worthy of brief consideration. Aaron Burr was indicted for treason against the United States. It was affirmed that he was attempting, by his mustering of men out in the west, to wage war upon the United States, and ultimately establish a free and independent government west of the Mississippi.

The President had always hated⁶⁸ Colonel Burr and was not loath to push this trial after the matter was fairly presented to him. The political relations between the two men had tended to increase their estrangement. In 1804 Jefferson says: "I had never seen Colonel Burr till he came as a member of the senate. His conduct very soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much."⁶⁹

Colonel Burr was indicted for treason, yet the only overt act brought against him was the levying of war. The constitution forbids conviction for treason unless it be on the testimony of two witnesses to such an overt act. Colonel Burr was not in

67. "History of American Politics," by A. Johnston, p. 59.

68. "History of the United States," by Henry Adams, vol. 3, p. 447.

69. "Memoirs of Aaron Burr," by D. M. L. Davis, vol. 2, p. 140.

Virginia when the act was committed. The opposition offered proof to connect him with those who were there. Chief Justice Marshall, who presided at the trial, held that Burr, being neither actually nor legally present, could not be convicted of the overt act charged in the indictment.

It was the paramount duty of the judiciary to say and determine the law. The supremacy of written law, was asserted in the trial.⁷⁰ The law of the constitution was laid down that in determining what shall be the supreme law, the constitution itself comes first, and those laws only, which are made in pursuance of it. The doctrine was essentially new, and the American judiciary was placed in a position unparalleled in history.

Chief Justice Marshall seemed to desire to protect Aaron Burr. He laid down the law, and strained the admission of testimony, so that prosecutions for treason against the United States must since have been scarcely worth attempting, on the strength of such a precedent. The summons, which was issued by the court to the president, was not heeded. Marshall was wise enough not to press the matter, and future courts have not issued mandates to the president.⁷¹ It would almost appear that the Federalists made Burr's cause their own. When Burr was not convicted of the charge of treason, the Republicans were greatly disappointed. To give the absolute power of deciding the constitutionality of an act was making the judiciary a despotic branch. Jefferson felt that all attempts to break down the bull-dog of Federalism (Marshall) had failed.⁷² But was this real federalism, or merely the assertion of the independence of the judiciary department?

The Republican sentiment after the trial can be summed up in the words of Jefferson. He says:

"If there ever had been an instance in this or preceding administrations, of federal judges so applying principles of law as to condemn a Federal or acquit a Republican offender, I should have judged them in the present case with more charity.

70. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 468.

71. Yet Jefferson did not refuse to send the desired papers to the court.

72. In a letter to Rodney, June 9, 1807.

All this, however, will work well. The nation will judge both the offender and the judges for themselves. If a member of the executive or legislative does wrong, the day is never far distant when the people will remove him. They will see then, and amend the error in our constitution which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two, and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the constitution itself: for impeachment is a farce which will not be tried again'⁷³

VI—IMPORTANT CASES BEFORE 1821.

In 1809, Mr. Giles attempted to have passed in the Senate⁷⁴ a bill that would make the circuit and district courts of the United States subject too, and regulated by, the laws of the several States. While the committee to which his measures was referred did not consider the matter of active expediency at that time, the general legislative agitation is indicated.

In the case of the United States v Judge Peters,⁷⁵ a conflict arose between the State of Pennsylvania and the federal courts of admiralty over a question of prize, and Judge Peters had been reluctant to enforce a judgment which might bring on a collision with that state. The supreme court laid down a rule of the superiority of the federal courts and the total invalidity of the state statutes interfering with it.⁷⁶ Thus, the legislature of a state could not annul the judgments, or determine the jurisdiction of the courts of the United States. In delivering the opinion of the court, Chief Justice Marshall said in part:

"If the legislature of the several states may at will annul the judgment of the court of the United States, and destroy the rights acquired under these judgments, the constitution itself becomes a solemn mockery; and the nation is deprived of the means of enforcing its laws by the instrumentality of its own

73. "The Character of Thomas Jefferson," by T. Dwight, p. 60.

74. "Annals of Congress," vol. 19, p. 413.

75. "Reports of the Supreme Court," by William Cranch, vol. 5, pp. 115-141.

76. "John Marshall," by J. F. Dillon, p. 483 *et seq.*

tribunals. So fatal a result must be deprecated by all, and the people of Pennsylvania as well as the citizens of every other state must feel a deep interest in resisting principles so destructive of the Union, and in averting consequences so fatal to themselves.'⁷⁷

It was inevitable that the extreme advocates of the later important doctrine of states rights should try conclusions with the national judicial authority,⁷⁸ for if, perchance, a favorable decision was rendered, the belief would no longer rest upon theoretical assertions. It will be seen that this decision, in refusing to acknowledge state independence from the national judiciary, was at the bottom of later judgements.

There were, during Madison's administration, few judicial decisions of vital political importance. This fact is undoubtedly due to the predominance of the war of 1812, and the resulting forces which caused a diversification of interests in other directions, directly after it. Madison was, moreover, compelled to appoint successors to Judges Cushing and Chase. One⁷⁹ of the men he selected for these positions was destined to give even more importance to the judiciary than Judge Chase.

There was a feeling at Washington that a clash between the chief justice and Judge Story was inevitable. But it seemed that, in spite of their political differences, their judicial opinions were in perfect harmony. John Marshall's views were very like those adopted some time later by Clay and Webster. A current magazine of the time expresses concretely the real political status of Justice Story. "Mr. Story would never have been Mr. Justice Story but for his well ascertained, as well as then thought, root-and-branch democracy."⁸⁰

In a letter to Gallatin, respecting the recent judicial changes, Jefferson seems to believe that the Republican party had now a chance to reform the supreme court. The complete harmony

77. "Reports of the Supreme Court," by William Cranch, vol. 5, p. 136.

78. "Constitutional History of the United States," by J. M. Cooley, *et al.*, p. 83.

79. I refer to Justice Story. The other judge appointed by Madison was Duvall.

80. *The Democratic Review*, vol. 1, p. 156.

which existed between the chief justice and his associate, while they were actively connected at the bench, was more of a disappointment to the first Republican president than to any one else. Concerning the appointments he says:

"At length we have a chance of getting a Republican majority in the supreme court. For ten years has that branch braved the spirit and will of the nation, after the nation has manifested its will by a complete reform in every branch depending on them. . . . I am sure its importance to the nation will be felt, and the occasion employed to complete the great operation they have so long been executing, by the opposition of a decided Republican," with nothing equivocal about him.⁸²

The supreme court in 1806, according to the Democrats, broke the law in the decision of the well known Yazoo⁸³ affair. These so-called Southern Democrats would not question the power, but could not concede, at all, without protesting against the doctrine that the judiciary was the sole and exclusive judge of constitutional difficulties. The case of *Fletcher v Peck*⁸⁴ was accordingly brought up in 1810, when the holders of the Yazoo strip could not obtain help from Congress.

In this case,⁸⁵ the law of the constitution, prohibiting the states from the passage of any law impairing the obligation of contract, was construed and applied to grants of lands by a state. The decision placed the entire economic interests of the American people within the jurisdiction of the national government. This action tended to invoke that sentiment which found expression somewhat later during the debates on the compromise of 1850. This decision and several others of a similar nature,⁸⁶ gave important national prestige to the department of jurisprudence.

81. This was Story.

82. "Works of Thomas Jefferson," vol. 5, p. 549-50.

83. "Georgia and State Rights," by U. B. Phillips, p. 28 *et seq.*

84. "Reports of the Supreme Court," by William Cranch, vol. 6, p. 87.

85. For brief treatment, *vid.* Marshall's "Writings of the Federal Constitution," p. 127.

86. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 122; "Reports of the Supreme Court," by William Cranch, vol. 7, p. 164.

"The validity of this recinding act, then, might well be doubted, were Georgia a single, unconnected, sovereign power, on whose legislature no other restrictions are imposed than may be found in its own constitution. She is a part of a large empire; she is a member of the American Union; and that union has a constitution, the supremacy of which all acknowledge, and which imposes limits to the legislature of the several states, which none claim a right to pass."⁸⁷

This was in part what John Marshall said on the case in rendering his decision. But Georgia was, according to her state judiciary, a sovereign independent power. How could one of her acts be declared void? Already the southern doctrine of state sovereignty was creating a comparative reaction. Yet there was not a general movement until after 1823. It may be worthy to note that there were several tendencies toward definite action during the next few years. The universal opinion in the South was that the central government had interfered where jurisdiction was not proper. It seems to be the belief of authorities upon the Georgian situation, that more open opposition would have resulted, at this time, if Georgia had not been engrossed with foreign affairs.⁸⁸

In the case of *Martin v Hunter*,⁸⁹ the defendant had been awarded judgment by the state court of Virginia. The plaintiff issued a mandate to the court of appeals requiring the judgment of the supreme court to be carried into effect. This, the court of appeals declined to do upon the ground that the act of congress allowing appeals from that court to the supreme court was not in pursuance of the constitution of the United States. A writ of error was taken out by Martin, founded upon this refusal, in 1816.

The supremacy of the national court was combatted by J. B. Gibson, chief justice of Pennsylvania, who condemned the right to declare all unconstitutional acts null and void without distinction as to either the constitution of the United States or the

87. "Reports of the Supreme Court," by William Cranch, vol. 6, p. 136.

88. "Georgia and State Rights," by U. B. Phillips, p. 38.

89. "Reports of the Supreme Court," by Henry Wheaton, vol. 1, p. 304.

state. He thought that the decision ought to be maintained with power by the court that asserted it. He even went so far, in his discussion, as to divide the powers of the judiciary into those political, and purely civil. For, he thought every power by which one department of the government is enabled to control another or to influence its acts was political. The political power of the judiciary was derived from certain provisions of the constitution, and the civil power was the ordinary appropriate powers. He says:

“When the government exists by virtue of a written constitution, the judiciary does not necessarily derive from that circumstance any other than original and appropriate power.”⁹⁰

Justice Story, in rendering his decision, declared that the appellate power of the United States extended to cases pending in the state courts, and that the twenty-fifth section of the judiciary act,⁹¹ which authorized the exercise of this jurisdiction in the specified cases, was supported by the constitution.⁹² The real nature of the constitution was set forth, and, in ordaining that it was not established by the states in their sovereign capacity, but emphatically as the preamble expressly declared, by the people of the United States, the political doctrine of state sovereignty was given a temporary check which resulted in more vigorous assertions of the nullification doctrine.

It is worth indicating that, while enforcing its own judgment in the case of *Martin v Hunter*, the court avoided further controversy with the court of appeals.⁹³ By declaring void the judgment of that court, and valid that of the inferior Virginia court in favor of the title, some hostility was allayed.

Congress had chartered the Bank of the United States in 1816, and a branch having been established at Baltimore, the state

90. “The Constitutional History of the United States,” by F. N. Thorpe, vol. 2, p. 473.

91. Act of 1789.

92. “Writings of the Federal Constitution,” by J. Marshall, p. 525 *et seq.*

93. “Constitutional History of the United States,” by J. M. Cooley, p. 84.

of Maryland levied a tax upon it which the bank refused to pay. The state courts gave judgment against the bank, but the supreme court reversed it. In giving his opinion in this case of *McCulloch v Maryland*,⁹⁴ John Marshall held that the United States possessed authority to employ all means appropriate and convenient, as well as those absolutely necessary, for the full exercise of powers specifically granted to congress by the constitution. The state insisted that this exercise of power was merely the taking to the supreme court what belonged to the state court. But how could the state impede the federal power? How could the state tax a federal instrumentality without violating the acts expressed in the constitution? This case, finally decided in 1819, was only an attempt on the part of the North to take a radical stand, very similar to that held by the States of Georgia and Virginia.

It was often believed that each public officer, who took an oath to support the constitution, was to support it as he understood it. This simply meant that neither congress or the president had as much right to decide upon the constitutionality of an act as the supreme court. And the opinion of the judges had no more authority over congress than the opinion of congress over the judges.⁹⁵

There was no reason why the authority of the supreme court should be permitted to control congress or the executive.⁹⁶ The judges in this decision might have produced a better impression upon the public mind if they had harmonized in their reasoning. The high latitude thus given to the constitution seemed to break down the landmarks intended by a specification of the powers of congress. This became a more convincing truth when the states saw that they had no powers of taxation which would allow them to impede control of the measures adopted by the United States. In commenting upon the deci-

94. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 316.

95. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 409.

96. "A Compilation of the messages and Papers of the Presidents," by T. D. Richardson, vol. 2, p. 582.

sion of this case, the chief justice said in an interesting letter to Justice Story:

"Our opinion on the bank case has roused the sleeping spirit of Virginia, if indeed it ever sleeps. It will, I understand, be attacked in the papers with some asperity, and, as those who favor it never write for the public, it will remain undefended, and of course be considered as damnably heretical."

In a case⁹⁷ very similar in character, which was under consideration after the decision set forth in the *McCulloch* case had become quite general, it was believed that the Supreme court must be supreme. "The state sovereignties must be maintained," it was thought, "as the sheet anchor of our republican systems—yet if a supremacy is not acknowledged in certain cases to belong to the federal government, we shall become like a rope of sand."⁹⁸

In the *Weekly Register* for October 30, 1819, an enthusiastic Ohioan denies the right exercised by the supreme court when it sues a state. He says in part.

"The doctrines set up by the court on that (*McCulloch v Maryland*) occasion, are such as the people of this state so long as they determine to preserve their rights, cannot recognize as correct. If such a decision is to suspend to force and operation of our laws, legally, regularly, and constitutionally enacted what are our boasted privileges? For what purpose have we a state legislature and executive?"⁹⁹

In the case of the Trustees of Dartmouth College *v Woodward*,¹⁰⁰ in 1819, the question arose as to whether a grant of corporate powers by congress is a contract, whose obligations the state are inhibited from impairing. In 1861 the legislature of the state of New Hampshire passed an act amending the charter which the college received in 1769. This amendment the trustees

97. *State of Ohio, v. United States Bank.*

98. *Niles' Weekly Register*, vol. 17, p. 85.

99. *Niles' Weekly Register*, vol. 117, p. 132.

100. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 518.

101. "American Constitutional Law," by J. I. Hare, vol. 1, p. 607.

refused to accept. Webster¹⁰¹ argued the case in the state courts brilliantly, but the decision was against him. The trustees resorted to the supreme court where the decision was favorable. John Marshall is quoted as saying:

"The State was stripped, under this interpretation, of prerogatives that are commonly regarded as inseparable from sovereignty, and might have stood, like deer, destitute before her offspring had not the police power been dexterously declared paramount, and used as a means of rescinding improvident grants."¹⁰²

The *Democratic Review* declared concerning the Dartmouth case: "If we have called the Georgia case¹⁰³ a giant judgment, this may be styled a very cyclops of jurisprudence—*monstrum horrendum, informe ingens, cui lumen ademtum*."¹⁰⁴ Another magazine, upholding the decision, asserted that the supreme court was erected as a barrier not only against the executive but against the legislative; against the encroachment of national as well as state legislature.¹⁰⁵

During this period, when important judicial decisions were rendered, the Federalist remnant considered Chief Justice John Marshall as one of themselves, and his federalism was to them a proof of his sound judgment. Yet under Monroe's administration old Federalism maintained few local organizations, and the Republicans possessed undisputed control of the government.¹⁰⁶ There can be little doubt that, while several of the supreme court decisions were never actively enforced, their tenor was noted, and the judiciary increased in influence. And a quiet, undisturbed feeling was growing more favorable to the tribunal each year. The power of the court, however, was never strong during this period.

(To be Continued.)

102. *Vid.* Hopkins, "Proceedings of the Webster Centennial of Dartmouth College." (Hanover N. H., 1902.) Throws light on his service.

103. *Fletcher v. Feck*.

104. *Democratic Review*, vol. 1, p. 162.

105. *American Monthly Magazine*, vol. 11, p. 201.

106. In the campaign of 1828 all the candidates were Republicans.

THE
New-York Weekly JOURNAL

Containing the freshest Advertis, Foreign, and Domestic.

MONDAY November 12, 1755.

Mr. Zenger.

I Recd the following in your care,
and you'll oblige your Friend,

CATO.

*Mors temporis sollicitudo ubi spectari que
rit, & quo studio deare licet.*

TACIT.

THE Liberty of the Press is a Subject of the greatest Importance, and in which every Individual is as much concern'd as he is in any other Part of Liberty: Therefore it will not be improper to communicate to the Publick the Sentiments of a late excellent Writer upon this Point. Such is the Elegance and Perspicuity of his Writings, such the invincible Force of his Reasoning, that it will be difficult to say any Thing new that he has not said, or not to say that much worse which he has said.

There are two Sorts of Monarchies, an absolute and a limited one. In the first, the Liberty of the Press can never be maintained, it is inconsistent with it; for what absolute Monarch would suffer any Subject to animadvert on his Actions, when it is in his Power to declare the Crime, and to nominate the Punishment? This would make it very dangerous to exercise such a Liberty. Besides the Object against which those Pens must be directed, is

their Sovereign, the late Supreme Magistracy; for there being no Law in these Monarchies, but the Will of the Prince, it makes it necessary for his Ministers to consult his Pleasure, before any Thing can be undertaken: He is therefore properly chargeable with the Grievances of his Subjects, and what the Minister there acts being in Obedience to the Prince, he ought not to incur the Hatred of the People; for it would be hard to impose that on him for a Crime, which is the Fruit of his Allegiance, and for refusing which he might incur the Penalties of Treason. Besides, in an absolute Monarchy, the Will of the Prince being the Law, a Liberty of the Press to complain of Grievances would be complaining against the Law, and the Constitution, to which they have submitted, or have been obliged to submit; and therefore in one Sense, may be said to deserve Punishment. So that under an absolute Monarchy, I say, such a Liberty is inconsistent with the Constitution, having no proper Subject in Politics, on which it might be exercis'd, and if exercis'd would incur a certain Penalty.

But in a limited Monarchy, as England is, our Laws are known, fixed and established. They are the streight Rule and sure Guide to direct the King, the Ministers, and other his Subjects: And therefore an Offence against the Laws is such an Offence against the Constitution as ought to receive a proportion adequate Punishment; the Levying

Quodlibet



A PICTORIAL LIFE OF LINCOLN

IN the current number of this magazine, the Pictorial Life of Lincoln series is continued with the presentation of two steel plates. The frontispiece of the magazine is a portrait of Lincoln as he appeared in the earlier years of his public career.

The cartoon is of the period of his second administration and is particularly interesting as showing a phase of public opinion regarding the relations of Lincoln and Vice-President Johnston. In this we see the tailor vice-president amusingly travestied in the light of the employment of his earlier years, and industriously engaged in stitching together the rent in the Union, while Uncle Abe is doing the best he can to uphold the great burden with one of his distinguishing fence rails.

DOUGLAS, LINCOLN AND THE NEBRASKA BILL

BY ALBERT WATKINS

II

IT is insisted that Lincoln's direct question which he put to Douglas in the debates of 1858, whether or not slavery could now—since the Dred Scott decision—be legally excluded from the territories, was his master-piece of shrewdness and in effect a paralytic stroke. Academically speaking, this is true; but it forced Douglas to confidently point, with still greater ingenuity, to the higher law of public opinion as the sure restriction. The national republican platform of 1860, disingenuously pointed out that the governors of Kansas and Nebraska, creatures of the proslavery democratic administration, had recently vetoed acts of the legislatures of those territories abolishing slavery.

But the legislature of Kansas had already, several months before the convention met, passed the abolition act over the veto by an overwhelming majority, and a few months later, at the session of 1861, the Nebraska legislature passed an abolition bill over the veto with only five dissenting votes, members of both parties supporting the measure. Leading members of both parties also expressed confidence that the law would be effective, and the two republican members who reported a similar bill at the preceding session (Marquett and Lake) stated that they favored the measure to protect the territory from the effect of the new doctrine that men had a constitutional right to bring slaves into the territory.¹

But the enactment was little more than a political tempest in a teapot. The slaves consisted of some half dozen domestic servants who had accompanied their masters into the territory, it

1. "History of Nebraska," Watkins. Vol. 2, p. 46. Two of the most prominent men of Nebraska. Lake was one of the first three judges of the state supreme court.

was said of their own free will. Webster's "ordinance of nature" and the uncompromising anti-slavery sentiment of the immigrants had proven a practical barrier. Moreover, in 1860, Douglas contended in the senate that the supreme court in the Dred Scott decision had not decided against the right of the territorial legislatures to exclude slavery and that he did not think it ever would.

Douglas and his followers, on the one side, and Lincoln, Chase, Greely, Weed and Seward, on the other, were playing a great game of politics in which all pushed the finesse of statesmanship beyond its legitimate limits. But having regard to the almost hopeless entanglement, on the method of whose unravelling depended dismemberment and war, in still pinning his faith to the unextinguishable vitality of the popular sovereignty principle, even though the supreme court had sought to emasculate it, Douglas maintained the upper hand. For the exigencies of hero-making should not longer divert us from taking notice that the question of slavery in the territory affected by the Missouri compromise or in any of the territory north of its line, was never anything but a political boggy. There never was the least practical danger that slavery could or would invade that territory, and the position of Douglas in reference to that purely factitious question was impregnable in statesmanship and in logic and morality as well.

Douglas was largely instrumental in causing the adoption of a free constitution in Kansas. He boldly opposed President Buchanan on that issue, and his principal lieutenant, William A. Richardson, resigned the office of governor of Nebraska, to which he had been appointed by Buchanan, to emphasize his sympathy with Douglas.¹ Lincoln's heart was for the destruction of slavery at the earliest possible time; but it was not expedient for Lincoln the politician to back up Lincoln the sympathetic philanthropist, and he persistently disclaimed any desire or intention to interfere with slavery where it was established, but as persistently and inconsistently encouraged the antislavery multitude to listen to the radicals—Garrison, Phillips, Sumner and the rest—who had the full courage of Lin-

1. Ibid, Vol. I, pp. 374 and 376 with foot notes.

coln's convictions, and were resolutely preparing the way for the revolution by which alone slavery could be destroyed soon enough to gratify their one idea madness and without regard to cost or other consequences. Contrary tradition, based upon partisan exigency and buttressed by prejudice, however hallowed by time, should be ready to give way to these indubitable facts:

(1) By procuring the assent of the south to the proposition that the people of the territories as well as the states should have and exercise the power to reject slavery, Douglas perpetuated a barrier to its further expansion as effective as the Missouri compromise had been, while recognized as valid; and he thus effectually checkmated the Dred Scott decision which invalidated the compromise as he had anticipated.

(2) Actual experiment, both in Kansas and Nebraska, justified the acumen of Douglas in formally substituting the compromise of 1850 for its predecessor of 1820. In opposing his powerful influence to Buchanan's policy of admitting Kansas with a slave constitution against the wish of a majority of her citizens, Douglas not only exhibited great moral courage but apparently, also, a self-sacrificing devotion to principle and justice which destroyed his last chance for attaining the presidency. Whittier perceived, and pictured in a quatrain Sumner's implacability and lack of statesmanlike tact and flexibility:

"No sense of humor dropped its oil
On the hard ways his purpose went;
Small play of fancy lightened toil;
He spake alone the words he meant."

In his great speech of 1856, known as "The Crime Against Kansas," Sumner, even from his narrow outlook, was able to foretell the practical effectiveness of Douglas' popular sovereignty plan:

"Thus, while opening the territory to slavery, the bill also opens it to emigrants from every quarter who may by votes redress the wrong. The populous north, stung by a sense of outrage and inspired by a noble cause, are pouring into the debatable land and promise soon to establish a supremacy of numbers there."

The broader view of Mr. Henn, member of the house of repre-

sentatives from Iowa, disclosed that the natural flow of emigration, veering southwesterly to a milder climate, would fulfill the prophecy of both Douglas and Sumner.

But, it is said, this very act, ostensibly in the interest of peace and the preservation of the union, precipitated war. That shifts us to another question. I think that we must agree with Alexander H. Stephens, one of the sanest of the southern statesmen of that critical period, and himself solicitous to avoid disunion, that the policy of Douglas ought in all reason to have succeeded—to have satisfied both sections and preserved peace.¹ But the force of fanaticism in both sections was underrated. The old whigs—Seward, Greely, Lincoln—out of a party and ambitious for power, overworked the plausible inference or accusation that the repeal of the compromise which had been recognized for thirty-three years, was a treacherous surrender to the slavery expansionists; and the stupid, as well as wicked Dred Scott decision came opportunely to reinforce the repeal of the compromise as a trouble maker in the north. In other words, with the anachronism of human slavery as the basis of Seward's—and in effect, Lincoln's—declaration that a conflict was irrepressible, and with such adroit politicians as these to make the most of it, the war was indeed inevitable, and the best conceived compromise would be brushed aside to let it come.

A cloud of critics, including several reputable historians, have accused Douglas, with superficial prejudice, I think, of deliberately cutting off Kansas from Nebraska that it might be colonized by the slavocracy of contiguous Missouri; but industrious investigation and candid judgment discredit, if they do not quite disprove that charge. Possibly Mr. Rhodes, lacking knowledge of the corroborative facts, was justified in uttering the sweeping dictum: "Nor is the explanation of Senator Douglas sufficient. It is almost certain that if there had been no question of slavery this change would not have been made;" and if it were worth while to excuse the mere savagery of Von Holst touching the same subject, a like reason would suffice. But in preparing a history of Nebraska, I discovered certain well authenticated

1. History of Nebraska, Watkins. Vol. I. p. 156.

1. "History of the United States," Vol. 1, p. 439.

facts which, to my mind, make the explanation of Douglas quite sufficient.

Prior to the territorial organization of "The Nebraska Country" by the act of 1854, it was set apart as "Indian Country," from which white people were interdicted. The passage of the Nebraska bill was therefore ardently promoted by ambitious politicians and land speculators of the contiguous Iowa border. Bernhart Henn, member of the house of representatives from the western district of Iowa, who maintained a real estate office at the hamlet of Council Bluffs, situated on the east bank of the Missouri River nearly opposite Bellevue, the prospective capital of Nebraska, pressed the adoption of the division amendment and the passage of the bill harder than any other member of either house of congress.

"The bill," he contended, "is of more practical importance to the state of Iowa and the people of the district I represent than to any other state or constituency in the union." Answering "the unjust charge made on this floor by several that it was the scheme of southern men, whereby one of the states to be formed out of these territories was to be a slave state," he demands: "Do they not know that the delegates sent here by the people interested in the organization of this country proposed that division?"¹

Let us see how well local incidents sustain this assertion. In October, 1853, a meeting to promote the territorial organization of Nebraska, which was attended by many of those who were afterward active in organizing the territorial government, was held in Glenwood, situated in Mills County, Iowa, a few miles from the Nebraska border. In fact this ambitious village furnished no less than nine members of the first legislature of Nebraska, who never became residents of the territory. These enterprising carpetbaggers included one Joseph L. Sharp—by name and nature—the founder of Glenwood and the president of the upper house of the first Nebraska legislature. Indeed, Iowa was so positively and palpably the local habitation of germinal Nebraska that an indignation meeting was held in

1. "Appendix to the Congressional Globe," Vol. 29, p. 885-6.

Glenwood to denounce the recreancy of members of the first legislature of Nebraska from the south Platte section in voting to make Omaha, instead of Plattsmouth or Bellevue, the capital of the territory.² One of the practical results of this meeting was that enough residents of Council Bluffs to make an impressive showing crossed the river and held an election in Bellevue at which Hadley D. Johnson was elected a provisional delegate from Nebraska for the purpose of promoting the passage of the pending Nebraska bill. Another provisional delegate was elected at the same time at Wyandotte, now a city of Kansas. These men were known in the house of representatives as "the two Johnsons." The Iowa-Nebraska Johnson was enabled to reach Washington by the aid of a subscription by residents of Council Bluffs in amounts ranging from one dollar to five dollars. In his explanation of the division of the territory at the last, Douglas said:

"There are two delegates here who have been elected by the people of that territory. They are not legal delegates, of course, but they have been sent here as agents. They have petitioned us to make two territories instead of one, dividing them by the fortieth parallel of north latitude—the Kansas and Nebraska territories. Upon consultation with the delegates from Iowa I found that they think that their local interests as well as the interests of the territory require that the proposed territory of Nebraska should be divided into two territories, and the people ought to have two delegates. So far as I have been able to consult with the Missouri delegates they are of the same opinion. The committee therefore have concluded to recommend the division of the territory into two territories and also to change the boundary in the manner I have described."¹

Hadley D. Johnson afterward became prominent in business and politics in Omaha, and his statements are regarded as reliable by leading men of that city who knew him well. In a paper read before the Nebraska State Historical Society in 1887, Mr. Johnson gave a detailed account of his election as provisional delegate and of the part he took in promoting the organization

2. Reminiscence of Experience Estabrook, Attorney General of Nebraska territory in the "History of Nebraska," Vol. 3.

1. "Congressional Globe," Vol. 28, pt. 1, p. 221.

scheme in Washington. What he said about division of the territory is exceedingly interesting in its bearing upon the accusation that the primary motive for it sprang from the intention of Douglas "to secure a part of it to slavery."² Mr. Johnson relates that:

"Before starting (to Washington) a number of our citizens who took such a deep interest in the organization of a territory west of Iowa, had on due thought and consultation agreed upon a plan which I had formed, which was the organization of two territories west of the Missouri river, instead of one as had heretofore been contemplated, and I had traced on a map hanging in the office of Johnson & Cassady a line which I hoped would be the southern boundary of Nebraska, which it finally did become."

Mr. Johnson further relates that the other Mr. Johnson and his Missouri friends fell in with the division scheme but were very anxious that the Platte river should be the line, "which obviously would not suit the people of Iowa." Pressed by the threat of the Iowa emissaries that the dividing line should be the fortieth parallel or there would be no bill at all passed at that session, the Kansas Johnson "very reluctantly consented . . . whereupon Judge Douglas prepared and introduced the substitute." Mr. Hadley Johnson had a powerful ally in the person of Senator Augustus C. Dodge of Iowa, who, as he says, "had from the first been an ardent friend and advocate of my plan, introduced me to Judge Douglas, to whom I unfolded my plan and asked him to adopt it, which, after mature consideration, he decided to do."¹ Mr. Joseph L. Sharp, mentioned above, tells us in his memoirs that he went to Washington at this time and "submitted the plan of making two territories out of the proposed Kansas (Nebraska) territory."²

Senator Dodge in urging division in a speech in the senate said:

"Originally I favored the organization of one territory; but representations from our constituents, and a more critical exam-

2. "Constitutional History of the United States," by Von Holst, Vol. 4, p. 323.

1. "Transactions of the Nebraska State Historical Society, Vol. 2, p. 85, et seq.

2. "History of Nebraska," Vol. 1, p. 148, foot note.

ination of the subject—having an eye to the systems of internal improvement which must be applied by the people of Nebraska and Kansas to develop their resources—satisfied my colleague, (Senator Jones) who was a member of the committee that reported this bill, and myself, that the great interests of the whole country and especially of our state demand that we should support the proposition for the establishment of two territories; *otherwise the seat of government and leading thoroughfares must have all fallen south of Iowa.*”³

In pressing the division plan in the House, Mr. Henn stated the local reasons for it specifically and comprehensively:

“A line which nature has run for the boundary of states; a line that will insure to each territory a common interest, each having a fertile valley (the Platte valley and the Kaw valley respectively) for its commercial center; a line that will be of immense importance to the prosperity and commerce of Iowa; a line that will make the commercial and political center of Nebraska on a parallel with the great commercial emporiums of the Atlantic and the harbor of San Francisco . . . The organization of two territories instead of one has advantages for the north, and for Iowa in particular, which should not be overlooked. It secures in the Platte valley one of the lines of Pacific railways by making it the center of commercial wealth and trade. It brings to the country bordering on Iowa the seat of government for Nebraska. It at once opens up a home market for our produce. It places west of us a dense and thriving settlement. It gives to western Iowa a prominence far ahead of that which ten years ago was maintained by the towns in the eastern portion of our state. It brings Iowa nearer to the center of power and commerce.”¹

These convincing local arguments in favor of a territory “opposite Iowa” had a more comprehensive meaning to Douglas, as Chicago, the chief city of his state, was then beginning to comprehend her fabulous commercial future, and whence four great tentacles of commerce—four trunk lines of railroad—were projected westward; and one of them was well on the way toward junction with the great Pacific line at Omaha, to whose construction Douglas had already turned his powerful attention.

3. “Appendix to the Congressional Globe,” Vol. 29, p. 382.

1. Ibid, p. 886-888.

If the prophet of the Nebraska country had been less than a Colonel Sellers in imagination, his forecast would have been inadequate; for it has all come true. The truly great continental railway with the most perfect roadbed in the world and the artery of a colossal local and oriental traffic, has come true. The miraculous development of this Nebraska country into the granary and the shambles of the world has come true. The prophesied gateway to the Platte Valley and this industrial greatness, first the political, and now the commercial capital of Nebraska and twice as populous—as the prophet foretold—as any town in the eastern, or any other portion of Iowa, has come true. A still greater collector and distributor of Kaw valley riches—Kansas City—has come true. If the prescience of this one and only justified Colonel Sellers could have fore-known all that has come true, he could but have exclaimed:

“O visions of glory, spare my aching sight!
Ye unborn ages, crowd not on my soul!”

From what we know of Douglas and Dodge through personal contact and otherwise, it should be deemed improbable that they descended to the petty craft and deceit of pushing to the front these plausible local reasons for dividing the territory for the purpose of hiding their real motive of giving Kansas over to slavery. From what I know of the character of Hadley D. Johnson and of the circumstances in which he related his story of the division, I am confident that he and his local coadjutors believed that it originated with themselves. It is possible that Douglas accepted the division scheme the more readily because he thought it would please the Missouri borderers who hoped to profit by it through the forcing of slavery into Kansas; but the primary reason for the division expressed in the debates by Douglas, Dodge and Henn, is in essence and form strongly cumulative evidence, and it constitutes a quite sufficient explanation of the act in question. The other explanation is inconsistent with the strong evidence which has been adduced, is wholly inferential, and should be regarded with suspicion because it served the purpose of cunning politicians and was probably invented by them for that purpose. The primary reason for divi-

sion expressed in the debates by Douglas, Dodge and Henn agrees so harmoniously and completely with the independent statements of the local witnesses, that any other theory or explanation seems vain and factitious. It is significant that Mr. Johnson gave as a further reason for limiting Nebraska so that it might be controlled by Iowa interests, the belief and fear which had been expressed by Douglas and his followers in the organization enterprise, from the time the first bill for that purpose was introduced in 1844, that the southern interests intended to colonize the section along the Platte with Indians, so as to leave their own part of the purchase open to the Pacific railway and to advantageous settlement.

Where a crisis impends over the clash of two opposing human masses, time is the great desideratum, and Douglas sparred for time. It seems probable that if he could have postponed the crisis of 1860, which the partisan triumph of Lincoln precipitated, the fast crystallizing antislavery public opinion of the world would soon have solved our own slavery question—peaceably of course. It would perforce soon have ceased to be a sectional or a local question. A world-wide moral—in effect industrial—boycott would have forced the south to cut off its anti-civilized excrescence. In the course of his great two days' speech in May, 1856, the uncompromising, precipitant Sumner unwittingly pointed to the solution: "The whole world, alike Christian and Turk, is rising up to condemn this wrong, making it a hissing to the nations."

It seems fair to conclude, too, that Douglas outwitted his overreaching proslavery party associates in leading them to accept the virile, effective popular sovereignty plan in lieu of the innocuous, and soon to be invalidated compromise of 1820-21. His mistake lay in failing to foresee the destructive fire in the rear which was opened by antislavery sentiment in the north, skillfully inflamed by making the most of the suspicion that the repeal was the result of a bargain and sale in the interests of slavery.

In 1874 and 1875 an invasion of grasshoppers impoverished many of the settlers on the frontier of Kansas and Nebraska. In a letter to Governor Osborn of Kansas, transmitting a contri-

bution of \$1,000 for the sufferers of that state and Nebraska, Gerrit Smith in giving special reasons for the benefaction to Kansas dropped into fallacy characteristic of the ardent abolitionists:

“First, I worked hard in congress to save Kansas from the curse of slavery. Second, I afterward contributed sixteen thousand dollars to the various funds for fighting off from her that matchless curse. Third, in saving herself from slavery Kansas saved the nation from it. Had the slave power triumphed in Kansas, the way for slavery into any free state would have been opened. A great savior therefore is dear Kansas. . . .”

On the contrary, owing to natural and sociological conditions which have been here pointed out, slavery never could have been established in Kansas except temporarily; and its temporary triumph there would have brought on the revolution which destroyed it in all the states, as inevitably and more rapidly than the repeal of the Missouri compromise. Moreover, inspection of the various bills for the organization of Nebraska which not having passed were not published and so missed the notice of the accusing politicians and historians, who did not take the trouble to disentomb them from the basement of the capitol at Washington, shows Douglas' preference from the first for a northern territory, “opposite Iowa.” Furthermore, to believe the accusers of Douglas on this point involves the belief that he was a petty public liar, a quality quite inconsistent with his bold ingenuousness. The exigencies of the politicians whose cups of ambition were all filled by the use of this opportunity—Lincoln's with the first office in the land, and Seward's and Chase's by the choice of the second best—plus the peculiarly susceptible temper of the people, accounts for the onslaught on Douglas, and makes him a greater figure, perhaps, than he deserves to be. The popular indignation they stirred up against Douglas served as a new garb for their own withered whiggism. It seems fair to conclude that with the same dread of radical change of policy toward slavery which had driven Clay and Webster to despair, Douglas sought primarily to maintain the status quo, while his wily opponents egged on the just resentment against slavery in the north and the fanatical solicitude

of the south, thus forcing the secession and war which the Fabian policy of Douglas would otherwise have indefinitely postponed.

Douglas denied the truth of the contention of Lincoln and Seward that the union could not exist half slave and half free; plausibly, at least, arguing that if they would cease their irritating agitation there was no reason why states which had already dwelt together in unity, half slave and half free, for fifty years might not continue to do so while the solution of the vexed question should be reached by evolution instead of revolution. If the people of the north could have foreseen that secession and war would result from Lincoln's policy and follow his election as president, is there any doubt that they would have supported Douglas in his policy of conciliation or concession and elected him president instead of Lincoln? Knowing the awful, though in one view, glorious sequel, as we know it, would not you and I, my friends, have felt with Lincoln but acted with Douglas?

Douglas was gifted with originality and foresight in the field of economic statesmanship. In 1851 he originated the plan, which afterward played a very important part in the rapid development, as well as the corruption of the country, of encouraging the building of railroads by grants of public lands. His bill for granting lands for the construction of the Illinois Central railway was so manipulated that the bonus would have fallen into the hands of an irresponsible and unworthy company, when with characteristic decisiveness he caused the grant to run to the state of Illinois for the like purpose. But the same conspirators whom he had defeated in the national congress worked their scheme through the state legislature so as to become the beneficiaries of the anticipated grant, whereupon Douglas with his marvelous effectiveness again circumvented the graft by compelling them to relinquish their claim. By his wise foresight, a condition that the beneficiary company should pay to the state annually seven per cent. of its gross earnings was attached to the grant. The yearly proceeds of this tax now amount to nearly a million dollars, enough to meet the expense of the state government of Nebraska—if economically administered. In 1855 he introduced a bill providing for the building of three

lines of railroad to the Pacific coast—a northern route to be called the Northern Pacific; a central to be called the Central Pacific; and a southern to be called the Southern Pacific. Lines corresponding to these, in location and name were subsequently constructed. He afterward pushed with his accustomed vigor the project of building what is now known as the Union Pacific line. He originated the plan of fixing the terminals of the road, leaving it to the company to take the most practicable course between them. By the terms of his bill the road was to revert at a certain time to the states through which it should pass.

His attitude toward secession was characteristically positive, decisive and statesmanlike. Unlike many leaders of both parties who hesitated and doubted and dallied while advantage after advantage was seized by the insurgents, he saw the transcendently largest aspect of the question—that the maintenance of the union was of paramount importance. Even John Ruskin, who was possessed by broad and idealistic philanthropy, mistook the part for the whole, the shadow for the substance, and held that the attempt to hold the south in the union by force violated the spirit of the declaration of independence. But,

“No lore of Greece or Rome,
No science peddling with the name of things,”

diverted Douglas from the single issue and the single purpose. Henceforth he said, “there are no neutrals—only patriots and traitors.” The effect of this unequivocal attitude was of incalculable value in holding his great following,—many of whom would otherwise have been recreant,—true to this main object. Under the inspiration of his leadership, said Mr. Blaine,

“The democracy of the north responded with noble enthusiasm and patriotic fidelity to the union.” And again, in greater detail and equal emphasis: “When the deliberations of the extra session of the senate came to a close on the twenty-eighth of March, the President said that a great gain had been made to the cause of the union by the direction which the speeches of Mr. Douglas would give to the sympathy and action of the northern democracy. From the hour of actual danger, Mr. Douglas had spoken no partisan word, had known no partisan division, had labored only for the government of the nation, had looked only

to its safety and honor. He had a larger following than any other party leader of his day. Nearly a million and a half of men believed in his principles, were devoted to him personally, trusted him implicitly. The value of his active loyalty to the union may be measured by the disaster which would have been caused by hesitation on his part."¹

But is not this final test incompatible with the charge of brokerage and insincerity by which the entire career of Douglas is interpreted by his partisan opponents?

Lincoln has been glorified while Douglas has been neglected—except as he has been the subject of contumely—largely because he was the central figure on the winning side in the bloody final settlement of the controversy, and largely also because he cared for the fate of the slave, while Douglas cared little, or at least less than for peace and union. But when the legitimate result of philanthropic solicitude actually broke upon the country in the shape of disunion and war, Lincoln was obliged to recant his philanthropy and embrace the mere statesmanship of Douglas. In his reply to strictures of Greeley upon his moderation, August 22, 1862, he said:

“My paramount object is to save the union and not either to save or destroy slavery. If I could save the union without freeing any slave, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that.”

While there seems to be good reason for thinking that if Lincoln and his associate agitators against slavery had permitted the Douglas plan to be given a fair trial, the desirable results of the war would have been peacefully worked out, yet at bottom, Douglas lost all while Lincoln gained all, as the crowd counts loss and gain, because the one ignored, in some sort, the eternal verity of righteousness, while the other kept it constantly in his own heart and before a people strongly inclined to righteousness. This is the crux of the question as Lincoln—and ultimately the people of the north—saw, or rather, felt it:

“He (Douglas) contends that whatever community wants slaves has a right to have them. So they have if it is not a

1. “Twenty years of Congress,” by James G. Blaine.

wrong. But if it is a wrong, he cannot say people have a right to do wrong."

Here was the difference between the statesman and the prophet. Yet who is there to say now, in the cool retrospect of reason, that the fealty of Douglas, charged as he was with the responsibility of practical leadership, was not first to statesmanship? But alas for Douglas and for the union with peace! Through the crying aloud of the prophets, half-hearted and evasive on the part of Lincoln, but portentously whole-hearted on the part of Garrison, Greeley, Phillips and Sumner, the further tolerance of slavery had struck ahead to the twelfth, while in its turn, and as Douglas hoped and calculated, it should have struck only the eleventh hour.¹

I am not oblivious to my temerity in venturing to question that Lincoln was immaculate and infallible, inasmuch as popular sentiment has lifted him above the human level. But there are both obvious and strong reasons for keeping a very strong and highly appreciated man a mere man. Maupassant observed that each man creates an illusion of the world for himself; and so peoples, out of what seems the most likely material, themselves supplying the supplemental idealism, fashion their heroes and their gods. Belloc in his study of Danton recognizes "that thirst for the ideal which creates idolatry." Even hypocrisy, some one has said, is a tribute to the idealism of the hypocrite. "Man is a lover and maker of myths. From prejudice, from chivalry, from patriotism, from mental sloth, from sheer inability to know the thing that is and tell a plain tale . . . he cherishes legend, fable, romance, anything but simple fact." Socrates pleaded before his judges: "Be not angry with me for

1. Douglas' loss of everything but courage and devotion to the union in the sweeping antislavery tide, illustrates how, when a man has apparently lost all, something yet is found by fate to take from him. In 1857 the democratic territorial legislature of Nebraska passed a bill to remove the capital from Omaha to a point near the site of the present Lincoln, to be called Douglas City. But the governor vetoed the bill, and through the bribery of a very few members it could not be passed over the veto. Ten years later a removal bill was passed. After its third reading a "copperhead" senator from Omaha, hoping to disgust other virulent democrats who favored removal, moved the substitution of Lincoln for Capitol City as the name of the new capital, but to insure success the rabid removalists promptly accepted the obnoxious substitute, and the name of the successful rival of "the father of Nebraska" is thus perpetuated instead of his own. "History of Nebraska." Vol. 3.

speaking the truth. For it is not possible that any man should be safe who sincerely opposes you or any other multitude." Lincoln's leadership during a great war in which his side was successful, the incident of the emancipation proclamation and his tragical death, were his apotheosis. And yet the fact that the popular estimate places Lincoln's fame on a much higher plane than that of Douglas should be taken as conclusive of the justice of the award. It need not be said that Lincoln was abler than Douglas, chiefly because his mental capacity was better backed than that of Douglas by moral and emotional capacity. But it should be said that owing to the sheer passions and prejudices of the slavery imbroglio and the resulting war, Douglas has been much underrated and maligned.

Lincoln's political finesse marred his greatness. Major General Jacob D. Cox, level-headed and fair minded, illustrates this in his "Reminiscences of the Civil War:"

"Sherman's indignation boiled over in his reply (to the announcement of the promotion of Hovey and Osterhaus to be Major Generals) which said: 'I wish to put on record this my emphatic opinion, that it is an act of injustice to officers who stand by their post in the day of danger to neglect them and advance such as Hovey and Osterhaus, who left us in the midst of bullets to go to the rear in search of personal advancement. If the rear be the post of honor, then we had better all change front on Washington.' . . . Mr. Lincoln was susceptible to reasons of political policy in the use of appointments to office. In the case of Osterhaus the president added that his promise had been given on what he thought was high merit and somewhat on his nationality. In short Indiana and Missouri were doubtful states and the German vote was important. But what idea of military promotions was that which, in such a war and in the midst of such a campaign, advanced officers to the highest grade on personal importunity, not only without consultation with their commanding general in the field, but in spite of his protest; which does not seem even to have asked the question what was going on in Georgia and what would be the effect of such action upon the army there."

Referring to the Wade and Davis manifesto, opposing the reelection of Lincoln in 1864, General Cox says:

"The elegant orator and polished man of the world (Henry

Winter Davis) felt no magnetism but that of repulsion; and his senses were so dulled by it that he never guessed the wisdom and the breadth, the subtle policy and the deep statesmanship, the luminous insight and the unfaltering purpose which now seem writ so plain in Lincoln's words and deeds. It was a strange and not altogether exhilarating experience for me; but I had afterward to learn that the belittling view of Lincoln was the common one among public men at Washington."

This incident took place at a dinner given by Garfield where Cox, Davis and Schenck were present. Schenck agreed with Davis, and Garfield, unctuously treacherous by nature as particularly evinced by his treatment of Sherman and Conkling, egged them on by appearance of approval but without himself criticizing Lincoln.

Contrasted to Washington's lofty moral courage in a like situation, Lincoln's finesse shrinks to small politics. As John Fiske points out, "Washington had opposed Conway's claim for undue promotion, and the latter threw himself with such energy into the faction then forming against the commander-in-chief that it soon came to be known as the Conway cabal."¹ Washington's extremity was far greater and more critical than Lincoln's, and yet he refused to yield to political pressure where military justice, honor and efficiency were at stake, just as they were when Lincoln did yield. He the rather staked all on rectitude and won a most salutary and memorable victory.

It would be superfluous to enter on any estimate or encomium of Lincoln. Even the ample legitimate room has been well filled by those most competent, while of late penny-a-line spuriousness has inundated the field. He is rightly judged by the abundance of pure gold in him, set free in the seven times heated furnace of the war which he unmeaningly contributed so much to precipitate. The moral genius and the statesmanship which responded to the unlimited and crushing demand of those crowded years of tragedy are being thrust into cheapening familiarity. The fates so loaded the scales against his rival that little is generally known, and less thought or said, about his great triumphs and greater disappointments and misfor-

1. "The French Alliance and the Conway Cabal," *Atlantic Monthly*, August, 1889.

tunes. We venerate Lincoln because his greatness was on our common level, kept close to Mother Nature.

“For him her old world molds aside she threw,
And choosing sweet clay from the breast
Of the unexhausted west,
With stuff untainted shaped a hero new.

* * * * *

His was no mountain peak of mind,

* * * * *

Broad prairie, rather, genial, level-lined,
Fruitful and friendly for all human kind.”

The real greatness of the man suffices—better, it seems to me, than the super-man now in the making. His marvelous hold upon the popular regard is due to his genuineness, naturalness and simplicity. He was raised in the very bosom of nature, and his responsive temperament answered to her every mood. The observation of Lamb that “the solitude of childhood is not so much the mother of thought as it is the feeder of love, of silence and admiration,” was exemplified in Lincoln. “Nature,” says Chesterton, “has the power of convincing most poets of the essential worthiness of things,” and in nature’s embrace Lincoln was early impressed with the worth of men. But the popular adoration of this great, yet common man is not without mixture of vanity. The shrewd founder of institutional Christianity penetrated and utilized this human instinct:

“For we see Jesus who was made a little lower than the angels . . . For it became him, for whom are all things and by whom are all things . . . to make the captain of their salvation perfect through sufferings . . . for which cause he is not ashamed to call them all brethren. For verily he took not on him the nature of angels; but he took on him the seed of Abraham.”

Lincoln did not go abroad clad in an old, shabby, “country” shawl, or perform his morning ablutions in the bucket of water on the open back stoop of the White House as a bid for hero-worship, but therefore he thus the more effectively contributed

toward winning it. Those bent on creating an unreal, an omnipotent and omniscient Lincoln unwisely insist that he was a great lawyer. George R. Peck, of the Chicago bar, in a recent address, concludes that, though he regarded him as the greatest man of his century, yet as a lawyer his standing was only respectable, and this seems to have been the opinion of his contemporaries most able to judge. Herndon, his partner, said, "Lincoln was a good lawyer in a good case and a poor lawyer in a bad case"; and Nicolay and Hay tell us that "on the wrong side he was always weak." These views should be welcomed; for the qualities of a great lawyer are incompatible with Lincoln's kind of greatness. If he had been the great lawyer he could not have been the greater Lincoln. Nor is it necessary in arriving at this conclusion to accept Robert R. Ingersoll's definition of a lawyer, namely: "A sort of intellectual strumpet," or Lord Brougham's: "a fellow who gets back your estate for you and keeps it himself," or Lincoln's own conception of a lawyer as quite recently illustrated by a story of Fernando Jones. Mr. Jones was a witness in a case of Lincoln's and on his side. The opposing lawyer had treated him very roughly on cross examination, and when the ordeal was over Jones took a seat beside Lincoln who whispered: "He was rather rough on you, wasn't he?" Jones replied, hotly: "Yes sir; he's no gentleman;" whereupon Lincoln responded sadly: "No, he's a lawyer." Mr. Peck says that no other man since Shakespeare "ever had the art, or rather the nature, to say so much in a single sentence," and Judge Blodgett credited him with the power of unrivalled clearness of statement. In his "house-divided-against-itself" speech, he summed up the doctrine of squatter sovereignty, in its moral aspect, in a wonderfully telling epigram: "That if any one man choose to enslave another no third man shall be allowed to object."

In contrast to almost all political speeches, which are unreadable, Lincoln's are all but literature. We may best appreciate his character and his greatness by comparison and contrast. When we contemplate him, we think by natural association of three—perhaps four—other men: Washington, William the Silent, Robert E. Lee, and perhaps Cromwell. In the field of

statesmanship—in its largest sense—his greatness was as superior to that of any of his contemporaries, as Washington's was superior to Hamilton's, Lee's to that of Jefferson Davis, William's to that of any political leader of his age, or Cromwell's to that of any of his contemporaries. Motley's test of William's greatness, except in the religious particular, applies peculiarly to Washington:

Of the soldier's great virtues—"constancy in disaster, devotion to duty, hopefulness in defeat—no man ever possessed a larger share. He arrived through a series of reverses at a perfect victory. He planted a free commonwealth under the very battery of the inquisition, in defiance of the most powerful empire existing. He was therefore a conqueror in the loftiest sense, for he conquered liberty and a national existence for a whole people."

William's career was different from Washington's in the important particular that he had not a single lieutenant of high character or ability, and the more so from Lincoln's, who throughout his test had not only lieutenants of the greatest ability, both civil and military, but unlimited and vastly preponderating resources of men and supplies. Lee's character and constant extremity answer to those of William and Washington, but while his achievement may have been as great, it failed by—let us say—the technical, or mechanical test of success. But the great novelist's higher test supplies the lack of Lee and applies largely, also, to Lincoln: "The beauty or ugliness of a character lay not in its achievements but in its aims and impulses: its true history lay not among things done but among things willed." While we know that Lincoln possessed military sagacity, we do not know that he possessed the military genius of William, of Cromwell, or of Washington. But the greatest test, perhaps, of William and Washington was fortitude. This quality was very great in Lincoln, but so far as we know, it fell short of that of the other two, because for reasons suggested, it was not called on to the supreme limit. But in the most effective if not the highest quality of leadership—the insidious spirit, the genius of fellowship—Lincoln excelled the others—more than that, perhaps, all others.

A HISTORY OF SLAVERY

BY SALLIE R. MC LEAN

IN the January, 1909, number of the AMERICAN HISTORICAL MAGAZINE will be the first chapters of one of the most valuable historical publications that has appeared in the American magazine press for many years. This will be a complete history of slavery, as it has existed in the United States. It will be from the pen of Sallie R. McLean, whose contributions to this magazine and to other historical periodicals have given her a recognized position among native historical writers.

In the first installment of this series of papers, Mrs. McLean will present an introduction treating briefly of the subject of slavery from the world point of view. She will review the origin of slavery and present many interesting facts concerning the slavery of white peoples by those of the same and other nationalities, and also the slavery of other races, such as the white slaves of the colored races and the colored slaves of the white races. With this brief explanatory introduction leading up to the main subject the history of white slavery in the American colonies will be taken up. Then the beginning of African slavery in these colonies will be related, the cause of its installation and the different phases of its development being carefully set forth and explained.

Following will be a consideration of the extent and status of slavery at the time of the Declaration of Independence, and the attitude of the leaders of the American Revolution in regard to it at that date, and, subsequently, their opinions and conclusions as voiced in the constitutional convention. Connected with this part of the subject will be a careful, soundly studied and exhaustive review of public opinion in the north and in the south regarding slavery at the close of the Revolution and the causes of the change of views that came about in those two sections will be presented.

Then will come full consideration and explanation of the action of the various states on the slavery question and the introduction of the subject into national legislation. From that point onward, in successive numbers of the magazine, the subject will be treated most completely and in a scholarly manner in all its different phases and brought down to the present day.

THE TRADITION OF HVITTRAMANNA-LAND

BY L. D. SCISCO

AN interesting fragment of old Norse tradition which has survived to our days to puzzle students of the pre-Columbian voyages relates to a country called by the Icelanders Hvittramanna-land or White Man's Land, and bearing also the alternative name of Ireland the Great. The old saga writers and chroniclers, in casual allusions to certain voyages made by Iceland men, mention this country in a vague way. It is quite evident that the vagueness of their utterance reflects an equal vagueness in their knowledge. For modern students the tradition owes what importance it possesses to the interpretation of it made by various writers who claim that it proves Irish colonization in America at a remote date, preceding even the landfall of Leif Erikssen.

About the beginning of the eleventh century is the earliest appearance of the tradition in the mouths of Icelanders. Thorfinn Karlsefni, famous for his attempt to colonize the American coast, gave up the struggle in the face of hostile skraelings and restless followers, sailing back to Greenland somewhere about the year 1006. On his way he kidnapped two native boys from Nova Scotia or Newfoundland. In time, having learned to talk with their Norse captors, the boys told of their former home, saying that there was a land "on the other side, over against their country," inhabited by people who wore white garments, yelled loudly, and carried before them poles to which rags were attached.¹ This remarkable fragment of ethnologic lore was absorbed into tradition and passed along to the unknown writer of the Erik Saga, who put it in words probably in the earlier part of the twelfth century. "And people believe," says the unknown writer, "that this must have been Hvittramanna-land or Ireland the Great."

1. Reeves, "Finding of Wineland the Good," pp. 51, 120; De Roo, "History of America before Columbus," vol. 2, pp. 87, 538.

It was probably a little later than the exploit of Karlsefni, but still well in the forepart of the eleventh century, that an Icelandic sailor brought home from foreign parts a tale which affords another glimpse of the old tradition. The sailor was Hrafn Hlymreksfari or, to transform his name, Hrafn-who-sailed-to-Limerick, and presumably he brought home his tale from the city with which his name is associated. It seems that sometime in the last twenty years of the tenth century,² before Iceland accepted the Christian faith, a man of some social standing named Ari Marssen had sailed away on the broad ocean and had never returned. It was of him that Hrafn heard. Ari, the story went, was in a region called Hvittramanna-land, from which he could not fare away. He had been baptized during his stay there. Later, the tale brought by Hrafn was confirmed by certain Iceland sailors who visited the Orkneys and heard about Ari from the lips of one Thorfinn, apparently the earl of that name who ruled from about 1030 to 1064. Thorfinn's report added that Ari was held in honor in the region where fate had cast him. These tales of Ari and his home passed into family tradition. Late in the eleventh century Thorkel Gellison, great-grandson of Ari, told his nephew Ari Frode the story, and about 1120 the latter incorporated it into his *Landnamabok*,³ stating his authority. But Ari Frode did more than merely tell the tale as he heard it; or perhaps he phrased a part of Gellison's tale as if it were knowledge from another source. His prefatory sentence states that "Hvittramanna-land, which some call Ireland the Great, lies westerly in the sea, near Wineland the Good, and is six daegra sail west from Ireland,"⁴ and this one statement, taken apart from its context, may be listed as another one of the sources from which knowledge of the mysterious country is gleaned.

About the middle of the twelfth century the Arabic geographer Edrisi wrote his celebrated treatise describing the countries of the known world. Among them he reckons, according to one translation,⁵ Ireland the Great, which he mentions briefly

2. De Roo gives data as to the time, vol. 2, pp. 78-79.

3. Text and translation in De Roo, vol. 2, pp. 76, 535; translation in Reeves, p. 11.

4. Text and translation in De Roo, vol. 2, pp. 76, 535

as a place distant one day of navigation from the island of Reslanda, (the modern Iceland). Edrisi's knowledge of the regions of the North is very vague and his note seems of slight value even if correctly translated. Its significance disappears entirely in the light of a later opinion that his phrase should properly be read "great island of Ireland."⁶

These sources are the authorities quoted in modern efforts to introduce into historical literature the mysterious country of Hvittramanna-land or Irland-et-Mikla, a region which was evidently believed to be existent by those Icelandic writers who chronicled its name, but which is unknown to other geographical records, either ancient or modern. The efforts to identify the country through historical research have been persistent but inconclusive. Its name still represents one of those unsolved antiquarian puzzles that perplex historical students and invite attempts at solution.

The statement of Ari Frode that the country lay near to Wineland the Good has been the basis of all schemes of identification. As early as 1568, it is said, a priest of Iceland had a chart showing the location of Hvittramanna-land and other American regions near which it was believed to lay,⁷ and the old but undated Ms 770c of the Arne Magnussen collection sums up the geographical data of the Erik Saga and the Landnamabok in this wise: South of Greenland lies the skraellings' country, then Markland, then Wineland the Good: next and somewhat behind lies Albania, which is White Man's Land. Thither was sailing formerly from Ireland, and there Ari Marsen was recognized by Irishmen and Icelanders, he having been made a chief there.⁸ Thus the early redactors accepted the implications of Ari Frode without reserve.

The historian Torfeson touched upon the subject in 1705. He quoted the Landnamabok and unhesitatingly identified Ari Marsen's retreat with the Canadian country.⁹ Moreover he sought

5. Jaubert, "Geographic d'Edrisi," 1840, vol. 2, pp. 426.

6. Storm, "Vinlandsreiserne," 1888, pp. 70-71.

7. Rafn, translated in Beamish, p. 210.

8. Text and translation in De Roo, vol. 2, pp. 89, 539.

9. Torfeson, translated by Herbermann in "History of Ancient Vinland," 1891, pp. 14, 61.

and, as he believed, found more evidence bearing on the question. There is a tale in the Eyerbyggja Saga about one Bjorn Asbrandssen, who made love to Thorodd's wife and who was forced by his neighbors to leave Iceland because of it. He sailed away with a northeast wind and disappeared from his satisfied neighbors' ken. Many years afterward, "about the days of King Olaf the Saint," which means before 1030, news of Bjorn came through the adventures of another Icelfander, by name Gudleif Gudlaugssen. Gudleif fared from home on a trading voyage to Dublin, and in due time turned his boat homeward. Sailing near the Irish coast the vessel was swept far to the southwest by a storm and finally found haven on a coast where the people seemed to speak Irish but were led by a chief who talked with the sailors in Icelandic. This chief was eventually found to be the exiled Bjorn. On this occasion he saved the mariners from captivity and they sailed their boat back to Dublin and stayed there for the winter.¹⁰ Nowhere in this tale does the Eyerbyggja Saga mention Hvittramanna-land, but Torfeson saw in the southwest drift of Gudleif's boat the hint of a transatlantic voyage and he declared that Bjorn must have been found upon some part of the North American coast.¹¹

After Torfeson no important exponent of Hvittramanna-land identity arose until Rafn took up the subject, although Schöning in 1781 suggested that the Azores could fulfill the geographical requirements of the old legend,¹² and Rask in 1831 formulated the statement that an Irish colony may have existed just south of the St. Lawrence River.¹³ It was Rafn who placed the legend upon a basis of earnest but slightly credulous investigation, and sounded a keynote to which other writers long harmonized their comments. In 1820 there were published in the United States certain Shawnee traditions to the effect that Florida was once occupied by white people who possessed iron tools, and that the forefathers of the tribe had reached their earlier home in the Carolina region by crossing a great water.¹⁴

10. De Roo, vol. 2, pp. 80-83, 535-538, has Norse text and translation, as also Reeves, pp. 84-87, 187-188.

11. Torfeson, pp. 15, 63-64.

12. Schöning, *Norg. Riges Hist.*, vol. 3, p. 409.

13. *Mass. Hist. Soc. Proc.*, vol. 18, p. 21, 1881.

Rafn found this a convenient inspiration. Assuming that the Indian tales were memories of European relations with America, and finding no hint of Norse ventures in the regions indicated, he explained all by supposing the presence of Irish colonists somewhere in the area extending from Chesapeake Bay to Florida.¹⁵ His work was published in 1837. One great difficulty arose in the interpretation that Rafn chose, but he brushed it aside rudely. Ari Frode said plainly that Hvittramanna-land lay "vi daegra" sail west from Ireland, which seems to mean three days sail, or perhaps a distance of about 650 miles,¹⁶ instead of the actual 1900 miles between Ireland and America. Evidently, argued Rafn, this was a scribe's error. Perhaps Ari really wrote xi, or xv, or xx daegra.¹⁷ Thus could the difficulty be removed. It should be added that Rafn adopted Torfeson's hint and accepted the tale of Bjorn Asbrandssen as clearly relating to Hvittramanna-land.

Rafn's theory was in effect hardly more than tentative but it was long the only one that seemed to have any supporting evidence, and the writers on pre-Columbian voyages who followed him copied it more or less closely. Brinton in 1865 offered a substitute for the theory of Irish colonization, suggesting that White Man's Land was so called from the presence of an albino Toltec race, reference to which could be culled from the narratives of certain early explorers,¹⁸ but his idea was left in unmerited obscurity by other writers.

Eventually Beauvois, before the *Congres des Americanistes*, had begun in 1875 to elaborate a new theory regarding the location. Abandoning the Shawnee legend, he based his argument instead upon the narrative of the Franciscan mission-priest Le Clercq, who visited the Miramichi region in Canada about 1677. The Franciscan found there an Indian tribe that used the cross as a talisman. According to these Indians the symbol was revealed to them by a vision long before the French came to the region, and having dissipated a pestilence on that occasion, it

14. "Archæologia Americana," vol. 1, pp. 273, 276.

15. Rafn, "Antiquitates Americanæ," p. 448.

16. Reeves, "Finding Wineland the Good," pp. 173-174.

17. Rafn, *Antiquitates Americanæ*, p. 447.

18. *Historical Magazine*, Dec. 1865.

was ever after an object of veneration among them.¹⁹ This, argued Beauvois, was evidence of former Christian activities in the region and explained the curious report by Karlsefni's captives, which must have referred to Christian ritualistic ceremonies. Also it tallied with the story that Ari Marssen found Christian baptism in the far western country where he went. More than this, it confirmed the mysterious geography of the Zeno narrative, the "Estotiland" of which was doubtless a distorted form of "Escoci-land," or Land of the Scots. Undoubtedly therefore, the White Man's Land of the sagas was the region of the lower St. Lawrence, colonized by the white-robed papas or culdees who came thence from Ireland.²⁰ In 1892 this theory received the approval of Gaffarel, and the added suggestion that Madoc, the Welch voyager, probably visited the Keltic colony of the St. Lawrence.²¹

The theory of Beauvois receives dissent from the American writer De Roo, whose work issued in 1900 gives the subject elaborate treatment.²² To De Roo the Shawnee legend tells the same tale it told to Rafn of an Irish colony in the southeastern United States, and the author finds confirmatory evidence of the story in the supposed Keltic characters of the Grave Creek mound inscription, and in the alleged traces of Christian elements in the Toltec culture of the Mexican plateau. It is his theory that the Irish colonies were finally absorbed by aboriginal tribes, and he thinks that the advanced conditions noticed by early Spanish explorers among the Florida tribes may have been vestiges of Keltic civilization. The proofs of colonies near the St. Lawrence which Beauvois marshalls so laboriously are interpreted by De Roo as indicating settlements there by Christianized Norsemen rather than by Irishmen. Beauvois and De Roo are thus somewhat far apart in their interpretation of the evidence at hand. Together they represent the latest forms of the ancient legend of Hvittramanna-land.

While two centuries of investigation have contributed to build

19. Le Clercq, "Nouvelle Relation de la Gaspésie," 1691, quoted by De Roo in "History of America before Columbus," vol. 1, pp. 442-448, 610-611.

20. Cong. Int. Americanistes, Compte Rendu, prem. session, vol. 1, pp. 41-93.

21. Gaffarel, "Histoire de la Decouverte de l'Amerique," vol. 1, pp. 273-291.

22. De Roo, "History of America before Columbus," vol. 2, pp. 68-115.

up theories favoring a belief in the reality of Irish colonization in America, there are not wanting skeptical comments upon the idea, although in general historical writers have preferred to ignore the topic rather than commit themselves to either side of so uncertain a question. As far back as 1844 Laing declared the Icelandic sources worthless on this point, while admitting that they contained possibly a hint of some obscure knowledge of a western land.²³ Von Humboldt in 1847 accepted the identity of Hvittramanna-land with America, yet drew back from committing himself to the presence of Irish colonists in America.²⁴ Goodrich in 1874 called it a "mere tradition."²⁵ Vigfussen and Powell in 1879 considered the tale of Karlsefni's captives to be a reference to the red Indians.²⁶ Hubert Bancroft in 1882 declared the evidence insufficient to establish the Irish colonization in America as historic fact.²⁷ Storm in 1888 gave a careful investigation to it and concluded the belief in Hvittramanna-land to be a legendary survival of tales of Irish voyages to Iceland.²⁸ Winsor's opinion in 1889 is indicated by his phrase "those alleged Irish visits."²⁹ Reeves in 1890 characterized the legend as of "doubtful historical character" and refused to believe that Hvittramanna-land was identical with America.³⁰ Fiske in 1892 avoided pronouncing on the subject.³¹

The reason for this rejection of the colonization theory by careful scholars is not difficult of recognition. It is the sound principle that an allegation which seems improbable must be supported by credible evidence before it can be accepted as historic fact. The idea of Irish colonization in the west has too much of the improbable in it to be accepted on its face value. As a sea-faring people the Irish hold no fame whatever in history. That they had boats is acknowledged, for early writings tell of their curachs of stretched hides, and modern archæologists exhibit remains of great wooden dugouts, some of them forty

23. Laing, "Heimskringla," vol. 1, pp. 186-187.

24. Von Humboldt, "Kosmos," vol. 2, pp. 272-274.

25. Goodrich, "History of the So-Called Christopher Columbus," p. 86.

26. Vigfussen and Powell, "Icelandic Prose Reader," p. 384.

27. Bancroft, "History of the Pacific States, Central America," vol. 1, p. 76.

28. Storm, "Studier over Vinlandsreiserne," p. 69.

29. Winsor, "Narrative and Critical History of America," vol. 1, p. 83.

30. Reeves, "Finding of Wineland the Good," pp. 12, 87, 179.

31. Fiske, "Discovery of America," vol. 1, p. 149.

and fifty feet in length,³² which must have been used either by the Irish tribesmen or by Scandinavian invaders. That the Irish ventured out upon the open sea is also acknowledged, for their recorded voyages to Wales, Scotland, and the Scottish islands seem sufficiently authenticated. It is even probable that they learned the route to Iceland, for Norse chroniclers admit that Erse adventurers preceded the Northern sea-rovers to the Faroes and to Iceland in the eighth century, and Dicuil's text seems to show that at least one party of these came from Ireland. Long ocean voyages by Irish canoemen could not, however, have been frequent. The facts that there were no Irish settlements of seaport fame, that there was no foreign commerce in Irish bottoms, and that, except for Dicuil's one vague reference, there is no record of westerly exploration by the Irish within the historic period, together show that seafaring skill and oceanic experience formed no attribute of the Irish peoples. Their appliances for navigation were of a very crude sort. The use of sails for motive power seems not to have been generally known. Such, at least, is the inference to be drawn from the rarity of reference to them in early writings, and from the absence of rigging devices in archæologic remains. From these considerations it is evident that the probability of transatlantic voyages by the Irish is most remote. Even were it granted, however, that Irish vesselmen were familiar with the use of sails, it must yet be recalled that the boldest efforts of the skilled Norsemen, in their voyages along the direct route from Norway to Iceland and Greenland, and in those on the route from Greenland to the North American coast, were carried out with great difficulty. It is doubtful if the Norsemen at their best could have colonized and afterward kept in touch with the American coast by the direct transatlantic route. Far greater is the doubt when less experienced Irish sailors are to be considered, and this adds to the discussion another point unfavorable to the theory of Irish discovery.

Of course such comments as these embody merely general objections, and cannot be used as conclusive arguments against special cases. They show, however, that the probabilities are

32. Wakeman, "Handbook of Irish Antiquities," 1903, p. 275.

ranged against the alleged Irish voyages, and they demand the production of evidence by those who would assert the voyages to be veritable history. Were the claims in favor of the Irish more modest it is possible that historians might compromise on the discussion. It would require no great stretch of credulity to believe, for example, that one or two accidental voyages might have been made from the Irish coast by isolated canoemen. The claim actually made, however, cannot be compromised. In its simplest form it supposes the migration of sufficient persons to form a community in which one sturdy Norseman may be converted and another made a chief. Moreover it supposes voyages made again and again, first for populating the community, and then for holding communication with the motherland. In the elaborate theses of Beauvois and De Roo the authors seem to go farther and argue for a civilized Irish-American state.

Painstaking search for evidence bearing upon the theory of Irish voyages has not been lacking on the part of its friends, but results have been disappointing. Outside of the Icelandic texts there seems to be no direct testimony upon the subject, and the facts which are cited as important for their inferential value are interesting but not convincing. Obviously the desired evidence, if existing, should be found either in America or in Ireland. The former region possesses a wealth of ethnologic and archæological data, but all hints of Keltic traces thus far put forward are such as crumble before the touch of criticism. Legendary tales have been drawn upon from two sources. Chief among them are the Shawnee legend to which Rafn pinned his faith, and that of the Miramichi tribes which Father Le Clercq recorded. Both of these point to contact with Europeans, but in neither is there aught that points specifically to Keltic influence. With Indian legends as with other sorts of historical evidence the principles of interpretation forbid always that one shall go far afield for a meaning if an equally plausible one lies nearer at hand. It is not permissible, then, to assert a Shawnee memory of Keltic colonists of the tenth century, when Spanish, French, or English colonists positively known to have been in the Florida-Carolina region in the sixteenth and seventeenth

centuries, might readily figure in the legend as "white people who had the use of iron tools."

Similarly is not permissible to assert a transatlantic migration of the ancestral Shawnees when the nearness of the West Indies to Florida suggests an easier explanation of their legendary crossing of a sea. Probably the best judge of the value of this memory of a sea voyage was the writer whose pen recorded it, and he prefers to disbelieve entirely in any oceanic explanation of the tale.³³ In the case of the Miramichi legend it is not the legend itself that is relied upon to support the idea of Keltic colonists, but rather an independent inference based upon the legend, but here too the accepted principle of interpretation must rule, and it is not permissible to link the story of the cross-bearing tribesmen with that of an ancient colony when Catholic voyagers and missionaries had been within easy reach of these same tribesmen for a space of one hundred and thirty years preceding Le Clercq's visit.

(To be continued.)



Clackmannan



Devonshire



Stewart



Dunbar



Vipont



Campbell

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER EIGHT

THE CAVENDISH-BRUCE FAMILY OF THE DUKES OF DEVONSHIRE

TO no family of England did the Bruce stock in matrimonial alliance bring more of success and brilliant renown than to that of Cavendish. In the early centuries of Scottish history the Cavendish ancestors were not of particular distinction. The marriage of Elizabeth Hardwicke to William Cavendish in the forepart of the sixteenth century—a lady who afterwards became the countess of Shrewsbury—was the beginning of the change. As the countess of Shrewsbury the widow Cavendish availed herself of her wealth and social position to guard and promote the interests of the children of her first husband. Under her tactful direction the house was able to take the first steps that lead toward the substantial position among the peers of the realm that it now holds. What the countess of Shrewsbury began in the direction of the advancement of the family fortunes, political, social, and financial, was added to, two generations later, by the countess of Devonshire, Christiana Bruce, daughter of Edward Bruce of Blairhall. It was undoubtedly due in no small degree to the genius of Christiana Bruce that her son and grandson as well as her descendents in succeeding generations, achieved the renown that has attached to them.

Cavendish as a family appellation was not known previous to the fourteenth century. It is held by some genealogists, and generally accepted, with here and there a scant reservation, that the ancestors of the first Cavendish came from the Gernon family, which was of considerable note as remote as the eleventh century. According to this account, Robert Gernon was a Norman who came to England with William the Con-

queror in 1066. So far as the records show he does not appear to have been prominent, but he received several grants of lordships from King William and was a generous contributor to the churches. Matthew de Gernon, son of the preceding, married Hodierna, daughter of Sir William Sackville, who was a son of Herbron de Sackville. Ralph de Gernon, son of the preceding, was living in 1167. He married a sister of Sir William de Brewse, who was a descendant of the first Alan de Brusee who went into Scotland after the Norman invasion and, as has already been shown, established the Bruce family there. Ralph de Gernon, son of the preceding, founded the Lees priory in Essex. He died in 1248. William de Gernon, son of the preceding, died in 1258. He had a wife Eleanor and left two sons. One of his sons, Geoffrey de Gernon, was the father of Roger de Gernon who is believed to have married the daughter and heir of John Patton, lord of Cavendish in Suffolk County, his children adopting the title name of their maternal grandfather. The surname Cavendish was derived from the locality Cavendish of Suffolk County.

JOHN CAVENDISH, son of the preceding Roger de Gernon, was a noted lawyer and judge of England in the middle of the fourteenth century. It is said that his father was a justice itinerant in the reign of King Henry II., which may account for the son's inclination for the legal profession. John Cavendish was chancellor of the University of Cambridge in 1380, and in 1352 was a collector in the counties of Essex and Suffolk. As early as 1366 he was a sergeant-at-law and soon after that time was a justice of the king's bench. In 1373 he was appointed chief justice and reappointed in 1378.

He was a lawyer of remarkable talent, and as a justice was particularly noteworthy, becoming one of the most conspicuous figures in his generation. His pronouncements from the bench were of strong character and made a deep impress upon the life of that period. One of his peculiar judgments attained more than transitory or mere local fame. As the story goes, he was trying a case in which the defendant, a lady, alleged as a defence in a suit involving land possession that she was a minor. The question of her age arising naturally, she announced her

willingness to leave the decision on that point to Chief Justice Cavendish, but he declined to render a decision, upon the grounds as he said:

"Il n'ad nul home en Engleterre que luy adjudge a droit deins age ou de plein age, car escuns femes que sont de age de XXX ans voile apperer d'age de XVIII."

He died June 15, 1381, under distressing circumstances. The peasantry in Suffolk County, under the leadership of Jack Straw, had risen in riot against the ruling authorities and their rage was directed particularly against the lawyers. A mob of fifty thousand persons had assembled and John Cavendish was sent to suppress the insurrection. He was captured by the mob and with Sir John of Cambridge, a prior of the abbey, was brutally beheaded in the marketplace of York. The people were especially incensed against him personally because his son, John Cavendish, had some time previously killed Watt Tyler in the insurrection led by that individual.

He married Alice de Odyngseles, daughter and heiress of John de Odyngseles, and by her had two sons and one daughter. By this marriage he acquired the lordship of Cavendish-Overhall. His eldest son, Sir Andrew Cavendish, was sheriff of Suffolk and of Norfolk County and died in 1396.

JOHN CAVENDISH, the youngest son of the preceding John and Alice (de Odyngseles) Cavendish was, an esquire to King Richard II. He is said to have slain Watt Tyler at Smithfield, and he served under King Henry V., being present at the battle of Agincourt in October, 1415.

*"For William Walworth, Mayor of London, having arrested him, he furiously struck the mayor with his dagger, but being armed hurt him not; whereupon the mayor, drawing his baselard, grievously wounded Watt in the neck; in which conflict an esquire of the King's house, called John Cavendish, drew his sword and wounded him twice or thrice even to death. For which service Cavendish was knighted in Smithfield and had a grant of £40 from the King."*¹

1. "Year Book, 50 Edward III.," p. 12.

2. "Collins' Peerage of England," by Sir Egerton Brydges. 1812 Edition, vol. I., p. 308.

He married Joan Clopton, daughter of Sir William Clopton, and had three sons.

WILLIAM CAVENDISH of Cavendish Overhall, son of John and Joan (Clopton) Cavendish died in 1433. He married Joan Stavenon, and had two sons.

THOMAS CAVENDISH, eldest son of William and Joan (Stavenon) Cavendish, was of Cavendish and Poslingford, Suffolk. He died in 1477. He married Katherine Scudamore, who died in September, 1499.

THOMAS CAVENDISH of Cavendish Overhall was the clerk of the pipe in the exchequer. He died in 1524. He married Alice Smith, daughter of John Smith of Podbrook Hall, Suffolk. She died in March, 1515, leaving two sons. One son, George Cavendish of Cavendish Overhall, was born in 1500, and became famous for his attachment to Cardinal Wolsey, whom he served from 1526 until the death of that prelate. After that he retired to private life and wrote a life of Wolsey. He died in 1562.

WILLIAM CAVENDISH, youngest son of Thomas and Alice (Smith) Cavendish, was born about 1505, and early in life engaged in the public service. In 1530 the King appointed him a commissioner to visit the monasteries to receive from the monks the property which they were called upon to surrender to the crown. In 1541 he acquired valuable grants of land and in 1546 he was treasurer of the king's chamber, was knighted, and was made a member of the privy council. Throughout his life he enjoyed the favor of his sovereigns, Henry VIII., Edward VI., and Queen Mary, and was a very wealthy man. He died October 25, 1557. He married, first, Margaret Bostock, daughter of Edmund Bostock of Wolcroft in Cheshire, and had one son and four daughters. He married, second, Elizabeth Conyngsby, daughter of Thomas Conyngsby, and she died in 1540. He married, third, in 1541, Elizabeth Hardwicke, daughter of John Hardwicke, of Hardwicke, Derbyshire, and widow of John Barley, and by her he had three sons and three daughters. After his death she married George Talbot, the sixth earl of Shrewsbury, and became famous as the great countess of Shrewsbury.

WILLIAM CAVENDISH, second son of the preceding William

Cavendish, was a member of parliament in 1588; a high sheriff of Derbyshire in 1599, and a justice of the peace in 1603. He was created Baron Cavendish of Hardwicke in 1605. Becoming seriously concerned in the advancement of English interests in America, he was associated with other leading men of his time in promoting the colonizing of Virginia and the islands of Bermuda; one island of the Bermuda group was named for him. He inherited a large fortune from his mother, the countess of Shrewsbury, and from his elder brother, Henry Cavendish, who died in 1616. Among the possessions received from his mother were the three estates of Chatsworth, Hardwicke, and Oldcotes, which have been described as "the three most splendid estates ever raised by one hand." He was created earl of Devonshire in 1618 and died March 3, 1625-26. He married, first, Anne Keighley, daughter of Henry Keighley of Keighley, Yorkshire, and had three sons and three daughters. He married, second, Elizabeth Boughton, daughter of Edward Boughton of Couston, Warwickshire, and widow of Sir Richard Wortley of Yorkshire.

WILLIAM CAVENDISH, second son of the preceding, William Cavendish, and the second earl of Devonshire, was born in 1591. He was a member of parliament in 1621 and thereafter, and lord lieutenant of Derbyshire in 1619, and again in 1625 and 1626. He was a man of many accomplishments, one of the noted gallants of his age, and a spendthrift of such prodigality that when he died he left his family almost in poverty and his estate burdened with indebtedness of every description. He died June 20, 1628.

He married, in 1608-9, Christiana Bruce, who became one of the most famous women of her time in England and whose marvellous abilities exercised in various directions not only resuscitated the fortunes of the house of Cavendish but started son and grandson on that splendid career which since her time has distinguished the house of Devonshire. She was young in years when married, being less than thirteen, and she took to her husband a handsome dowry from the king, James I., who esteemed her father Edward Bruce, lord of Kinloss, as one of his prime favorites. To this dowry the king persuaded the father

of William Cavendish to add a substantial amount so that the young couple were well started in life.

Upon the death of her husband it was discovered that his estate was heavily charged and complicated with nearly thirty law-suits. The countess thereupon devoted herself to saving the property and to the education of her son, to whom she was intensely devoted. The litigation in which she was involved was made as perplexing and tedious as possible by the cunning and power of her adversaries, yet in the end she triumphed over all opposition and her success was so marked that it became the talk of the kingdom. On one occasion King Charles jestingly remarked to her, "Madame, you have all my judges at your disposal," which perhaps may be taken as an indication of how she was able to overcome the disasters that threatened her estate. She developed marked business talent and increased the value of her holdings until she became very wealthy.

She had fine intellectual qualities and also took an active and important part in the politics of the kingdom. At the time of the rebellion against the Stewarts, she supported the cause of the royal house, and after the battle of Worcester carried away and concealed for King Charles much of her personal property. Her devotion to the Stewarts was intensified by the death of her younger son, Charles Cavendish, who was killed at the battle of Gainsborough, July 27, 1643, fighting against the army of Cromwell. During the protectorate she maintained her relations with the royalists, giving them much secret assistance. After the restoration King Charles II. was frequently at her house, and she was upon intimate terms with the leading men and women of the new regime. Her palace was the center of hospitality and she entertained many men of letters who wrote agreeable verses in her praise. It was said of her that she was—

"of that affability and sweet address with so great wit and judgment as captivated all who conversed with her and of such strict virtue and morals that she was an example to her sex."

Horace Walpole wrote of her as follows:

"Christiana Bruce, Countess of Devonshire, was a lady of much note in her time. She was the daughter of the Lord



Portrait of a woman, 19th century. (The image is a reproduction of a painting by J.M.W. Turner, 1840s.)

Portrait of a woman, by J.M.W. Turner, in the Collection of the Museum of Modern Art, New York.

Bruce of Kinloss, one of the favorites of James I., who to facilitate her match into so great a family gave her, besides his recommendation £10,000. . . . In her youth she was the platonic mistress of William, Earl of Pembroke, who, according to the romantic gallantry of the age, wrote a volume of poems in her praise which were published and dedicated to her by Dr. Donne. In every period she seems to have held one of those female tribunals of literature first instituted by the Marquise de Rambouillet at Paris and of late years very numerous there. The Lord Lisle in a letter to Sir William Temple tells him that the old Countess of Devonshire's house was Mr. Waller's chief theatre. One of the Independents has recorded her life in a small tract written in the more spiritual tone of those times. Upon the whole her ladyship seems to have been a fair model of our ancient nobility, a compound of piety, regularity, and human wisdom so discreetly classed as to suffer none of them to trespass on the interests of its associates. Thus while her devotion was universally admired, her prudence entrusted the education of her eldest son to Mr. Hobbes; and though she lived up to the splendour of her rank, having a jointure of 5,000 a year, so judicious was her economy that she nearly doubled it; and having procured the wardship of her son she managed his affairs so skillfully as to extricate his estate from a vast debt

"Nor were politics neglected by a lady so extremely tinctured with a knowledge of the world. On the contrary Lady Devonshire was not only busy but reckoned instrumental in the conduct of the Restoration, being trusted by the pearl of secrecy, General Monk. In a word, if this Countess in the flower of her age was like the Queen of Bohemia, the theme of the wits and poets of the court; in her riper years she seems to have imbibed the profitable wisdom of her Lord's grandmother, the famous Countess of Shrewsbury, and to have made it her study to preserve and augment that wealth of importance to the house of Cavendish of which the grandame had laid such ample foundation."

The countess of Devonshire died January 16, 1674-5. Her second son, Charles Cavendish, who was born in 1670, was named after Prince Charles Stewart. He served in the war against Cromwell, becoming a general of cavalry. At Gainsborough, July 28, 1643, he was defeated and killed.

WILLIAM CAVENDISH, the third Earl of Devonshire, son of the preceding, was born in 1617, and upon the coronation of

King Charles I. in 1625 he was made a knight of Bath. His advancement in public life was rapid and he became lord lieutenant of Derbyshire in 1638, retaining that office until 1641, and was high steward of Ampthill in 1639-40. Devotedly attached to the royalist cause he was marked by the opponents of the Stewarts, and was one of the eight peers of England who were impeached for high crimes and misdemeanors and expelled from the house of lords in 1642. He was attainted and his estate was sequestrated and a heavy fine imposed upon him. Under these circumstances he was obliged to leave England and remained abroad on the continent until 1645. Then he secured pardon and lived in retirement with his mother at Latimers, Buckinghamshire. Upon the restoration of the house of Stewart his disabilities were removed and he was reappointed lord lieutenant of Derbyshire. He was a man of high culture, interested in scientific pursuits and was one of the original Fellows of the Royal Society. He died November 23, 1684. He married Elizabeth Cecil, daughter of William Cecil, earl of Salisbury. She died November 19, 1689.

WILLIAM CAVENDISH, eldest son of the preceding, was born January 25, 1640, and was educated under the careful direction of his grandmother. In 1661 he was a member of parliament for Derbyshire, and was again in parliament in 1666. He served in the British navy in 1665, and in 1669 was appointed on an embassy to France. From 1675 until 1681 he was in parliament in strong opposition to the court party, and became one of the foremost men in the realm. He succeeded his father as earl of Devonshire in 1684. He was a man of pronounced views, irascible, and impatient, and was constantly in trouble with others who were active in the public affairs of the day. As a result of an encounter with Colonel Thomas Culpepper he was sentenced to pay a heavy fine and was condemned to confinement. He escaped from prison but all the influence of his grandmother, the countess of Devonshire, and her family could not avail wholly to save him from the consequences of his act. It was not until long afterwards, in 1697, when political power in parliament had changed that the record of his conviction was removed.

For several years in the latter part of the seventeenth century he was living in retirement but never ceased his opposition to King James and was among those who made plans for the succession to the English throne of the Prince of Orange. He was very useful in bringing about the accession of William and Mary to the throne in 1689, and as a reward for his services the new sovereign appointed him lord lieutenant of Derbyshire, and he was elected a knight of the Garter. In 1692 he served in the English army in Flanders, and as a result of that campaign he was created duke of Devonshire, being the first of his name to acquire the dukedom. He was also created Marquis of Hartington. These honors were conferred upon him in 1694 by King William and Queen Mary on the same day on which the head of the house of Russell was created duke of Bedford. Thus, to quote Macauley,

“The two great houses of Russell and Cavendish, which had long been closely connected by friendship and by marriage, by common opinions, common sufferings and common triumphs, received on the same day the highest honor which it is in the power of the Crown to confer.”

After the death of King William he supported the succession of Queen Anne. He was much addicted to sport of all kinds, especially horseracing, and was noted even in that luxurious age for the munificence of his entertainments. His last public service was in assisting to conclude the union with Scotland for negotiating which he and his son, the marquis of Hartington, had been appointed among the commissioners by Queen Anne. He died August 18, 1707, and ordered the following inscription to be put on his monument:—“*Willielmus Dux Devon, Bonorum Principum Fidelis Subditus, Inimicus et Invisus Tyrannis.*” He married in 1660, in Kilkenny, Ireland, Lady Mary of Ormonde, the second daughter of James, Duke of Ormonde; she died July 31, 1710. He had three sons and one daughter.

In later generations the representatives of the ducal house of Devonshire, descendants of Christiana Bruce, have not been less famous or less distinguished than those of their ancestors whose careers have here been noted. They have been promi-

nent in public life, serving their country at home and abroad, and have exercised a marked influence upon each generation of English life. The Devonshire ducal house is rightly regarded as one of the most eminent and most powerful in the United Kingdom.

CHAPTER NINE

THE ROYAL HOUSE OF STEWART

AS a royal house, the family of Stewart which gave kings to Scotland and to England for several centuries and whose history became one of the most conspicuous parts of the annals of the United Kingdom, was more Bruce than Stewart. The surname was derived from ancestors who, while they had been not without distinction in the generations immediately preceding their matrimonial connection with the Bruces, were in no wise royal. The pedigree went back to men of eminence only a few hundred years, and, honorable as it was, the record in the beginning was not even of nobility.

Stewarts could claim no relationship to royalty previous to the marriage of Walter, high steward of Scotland, to Marjory Bruce. With that alliance there was brought into the family the blood of a stock that, as has been shown on preceding pages, went back generation after generation, not only on the male side but also in various collateral lines, to those who had been foremost in making history and in establishing nations upon the European continent and the adjacent islands. Between the Stewarts who began in the twelfth century and the Bruces who started from kings and princes six hundreds years before and could also trace back through generations to the royal houses of Scotland and Ireland, there was a wide difference. It was the royal strain brought into the family by Marjory Bruce that gave the descendants of Walter the high steward their claim to the throne. Therefore it was that the Stewarts as a ruling house were really Bruce in everything except name.

Still, despite these considerations, among the many great



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families with which the Bruce line became connected in marriage none was more worthy or had up to that time occupied a more conspicuous place in the history of Scotland than that of Stewart. Its history began in the time of William the Conqueror, and after the twelfth century it was a house of power and distinction while its representatives ranked among the leading men of Scotland.

So far as careful antiquarian research has been able to discover, the family was of Norman origin and traces of its English founder have been discovered in the province of Dol in the northeastern section of Brittany. It is believed that the first English or Scotch ancestor came from France about the time of William the Conqueror or shortly before. An ingenious but not altogether successful attempt has been made by some writers to trace the origin of the family to Bancho, thane of Lochabar, who lived in the reign of King Duncan of Scotland and was murdered by Macbeth in 1043. This is the Banquo of Boece and Shakespeare, and his place in history as an ancestor of the Stewarts, as argued by the supporters of this pedigree, is somewhat hypothetical although not wholly impossible. The argument in its favor is presented strongly by the Rev. J. K. Hewison in "Bute in Olden Time," and by others before and since that author.

According to this pedigree the son of Banquo was *Fleance* who married Nesta, daughter of Griffith ap Lewellin, a prince of Wales who was murdered by ruffians in 1045. *Walter*, son of Fleance, was obliged to leave Wales on account of disturbances at that time and was brought up in the court of King Edward the Confessor. Having some disagreement with the Saxon court he was sent to the continent to live with Alan, earl of Brittany, who was a relative of his mother. He married a daughter of Alan, and subsequently joining the army of William the Conqueror, fought in the battle of Hastings in 1066. For some reason he fell into disfavor with King William and retired to Scotland where he was received by King Malcolm III., and thereafter rendered considerable service to the Scottish king. In reward he was made *de dapifer domini regis*, an office which did not differ much from that of the high steward

of Scotland which was subsequently the hereditary prerogative of the Stewart family. *Alan*, son of Walter, became a valiant knight and went to the Holy War under the standard of Godfrey Bouillon. He was present at the taking of Jerusalem in 1099. After his return home he was made lord high steward of Scotland in 1153.

I.

WALTER FITZ ALAN is the member of this royal family who is accepted with certitude by all genealogists as the real founder of the stock in Scotland. From him downward to later generations the pedigree is without controversy. Variant and speculative genealogical discussion regarding him concerns itself only with his origin and ancestry. Those who hold to the genealogy just presented make him the son of Alan who was the great-grandson of Bancho. The more accepted and reliable view is that he was the son of Alan Flaald, a Norman knight who obtained, soon after the conquest of England, the grant of the castle of Owestry in the County of Salop. There is nothing to show that this Alan Flaald may not have been the Alan, son of Walter, who was lord high steward of Scotland in 1153 and is included in the supposed line from Bancho. According to Eyton and other Scotch historians, this Alan married Avelina or Adelina de Hesdinges, sister of Ernulf de Hesdinges and had three sons.

Walter Fitz Alan founded the Abbey of Paisley in Renfrewshire for monks of the Cluniac order from the convent of Wenlock in Salop in 1164, and his family became fully established in Renfrewshire where it remained for centuries, being a large owner of land, and wealthy and powerful. From the death of King David I., in 1153, to the death of King David II., in 1371, the Stewarts held chief sway in Renfrewshire and were persons of weight throughout the kingdom. It is said that Walter Fitz Alan went from Shropshire in England to Scotland during the reign of King David and that that monarch made him steward of Scotland and gave him valuable lands. In 1153 King Malcolm IV., the successor to King David I., confirmed these grants and further maintained the family in important stand-

ing. Eyton³ says that he married Eschina, daughter of Thomas de Londoniis and heiress of Molle and Huntlaw in Roxburghshire. He died in 1177.

ALAN FITZ ALAN, son of Walter Fitz Alan preceding, succeeded his father in the important office of high steward of Scotland. He was a man of notable character and emulated the zeal of his father in religious affairs, giving many munificent grants to church institutions. He died in 1204 and was buried in the Abbey of Paisley. He married, first, Eva, daughter of Suan, who was a son of Thor, lord of Tippermuir and Tranant; second, Alesta, daughter of Morgund, earl of Mar.

WALTER FITZ ALAN, eldest son of Alan Fitz Alan preceding, became in turn the high steward of Scotland. So far as the records go he was the first to term himself and to be called *Seneschallus Scotiae*. On August 24, 1230, he was appointed by King Alexander II. to the office of justiciary of Scotland. He was held in such esteem by King Alexander that he was commissioned as an ambassador to negotiate with Mary,—the daughter of Ingelram, count de Coucy—for her marriage to the king of Scotland after the death of his first wife in 1239. He was preeminently successful in this mission as the marriage of the king to Mary of Ingelram in the same year fully evidences. Like his father and his grandfather he was a benefactor of the church, and besides other grants for religious purposes, he founded the monastery at Dalmulin on Air. He was born in Paisley and died there in 1246. He married Beatrix, daughter of Gilchrist, earl of Angus, and had four sons and three daughters. His sons were Alexander Fitz Alan who succeeded him; John Fitz Alan who was killed at the siege of Damietta in Egypt in 1249; Walter Fitz Alan who by his marriage became earl of Monteith; and William Fitz Alan.

ALEXANDER FITZ ALAN, eldest son of Walter Fitz Alan preceding, became high steward of Scotland after the death of his father. He was a valued counsellor of King Alexander III., and in 1255 was named as one of the regents of the kingdom of Scotland. In that year he received a charter of the barony

3. "Antiquities of Shropshire," by R. W. Eyton, vol. VII., p. 228.

Garbis and he gave many charters and grants to churches. He was not only beneficent and well-disposed toward his dependents but was a brave man and a capable commander in military affairs. At the battle of Largs, in 1263, he led the Scottish forces under King Alexander III. and was mainly instrumental in the defeat of the Norwegians under King Hakon. In 1264 he was sent to the Isle of Man to receive there the subjection of the people who heretofore had been under the domination of the kingdom of Norway; and he secured the annexation of the island to Scotland.

When at Rosburgh in 1289 the nobles of Scotland assembled to consider the succession to the crown of Scotland in case of the decease of the ruling king he was prominent and influential in the deliberations. He was a subscriber to the agreement for marriage between Mary, the daughter of King Alexander III., and Eric, king of Norway. He died in 1283. He married Jean, daughter of James Macrory, who was the son of Angus Macrory, lord of Bute. His children were James Fitz Alan, who succeeded him; Sir John Stewart of Bonkyl, the ancestor of the Stewarts of that name, and Elizabeth Fitz Alan who married William, lord Douglas, of Lugton in Lothian.

Margaret Fitz Alan, the youngest daughter of Walter Fitz Alan and sister of Alexander Fitz Alan, married Neil, earl of Carrick. In the next generation the daughter of this marriage, Marjory of Carrick, married Robert Bruce, seventh of the name; by this marriage the first union of the houses of Bruce and Stewart was brought about.

JAMES FITZ ALAN OR JAMES STEWART, son of Alexander Fitz Alan preceding and the next high steward of Scotland, succeeded his father in 1283. By this time the Fitz Alan family had become habituated to the use as a surname of the name of the hereditary office that their ancestors had held for generations. It is not certain exactly when the change in the family name was made, and in fact for several generations both surnames were in use at the same time indiscriminately. But James Fitz Alan became James Stewart and his descendants gradually grew more and more accustomed to the use of the new name until finally they adopted it altogether. Like his ancestors, James

Stewart was a man of influence and power and was taken much into consideration in all important proceedings in the kingdom. In 1286 he was one of the six regents who were appointed to rule under Queen Margaret after the death of King Alexander III. In September 1286, associated with his brothers, John Stewart and Walter Stewart, earl of Monteith, and other leading nobles assembled at Turnberry Castle, he was a subscriber to the agreement to support the claims of Robert Bruce to the throne of Scotland.

In 1291 he was one of the auditors acting on the part of Robert Bruce to support that noble's claims before King Edward of England. In 1297 he gave his support to the cause of the patriotic William Wallace, but upon the failure of that enterprise he, in common with many other Scottish nobles, was compelled to make his peace with King Edward and swear fealty to that monarch. Still devoted to his country and willing to sacrifice everything to secure her freedom from English rule, in 1302, with six others of like patriotism, he visited France to solicit the assistance of King Philip to enable Scotland to maintain her liberties; and afterwards he was engaged in a similar mission to the court of Spain. He died July 16, 1309, in the sixty-ninth year of his age. He married Cecilia, daughter of Patrick, earl of Dunbar and March, and had three sons and one daughter. His sons were Walter Stewart, who succeeded him; Sir John Stewart, who was with the army of invasion that Edward Bruce led to Ireland in 1318, and with Bruce was killed at the battle of Dundalk; Sir James Stewart of Durisdeer.

WALTER STEWART, son of James and Cecilia (Dunbar) Stewart, was the next high steward of Scotland. He was born in 1293. He was one of the staunchest and most trusted supports of the Bruce and when King Robert invaded Ireland in 1316, he and Sir James Douglas were appointed governors of Scotland to rule the kingdom in the absence of the king. He showed himself possessed of patriotic spirit and of military instinct at an early age, and in 1314 at Torwood, preceding the battle of Bannockburn, he brought a body of hardy men to support the Bruce, the sturdy warriors of Strathgryfe.

“Walter Stewart of Scotland fyne
That then was but a beardless hyne,
Came with a rout of noble men,
That might by countenance be ken.”*

In arranging the forces of the Scottish army for the ensuing combat, Walter Stewart had command of the third division in company with Sir James Douglas.

“And syne the third battle they gave
To Walter Stewart for to lead
And to Douglas doughty of deed,
They were cousins in near degree,
Therefore to him betaught was he;
For he was young but not forthy,
I trow he shall so manlily
Do his devoir, and work so well
That he shall need no more zounseil.”⁴

In the battle of Bannockburn he shared to the full the work and dangers of the day as well as the glory of victory. In recognition of his services he was knighted for bravery and at that time he had reached the age only of twenty-one. He married, early in life, Alice Erskine, daughter of Sir John Erskine, and had by her a daughter, Jean Stewart, who married Hugh, earl of Ross.

The romance of his life came after he had acquitted himself so brilliantly at Bannockburn before the eyes of King Robert Bruce and the other nobles of Scotland. In the next year when the royal Scottish prisoners, Queen Elizabeth, Marjory Bruce, daughter of the king; Christiana Bruce, sister of the King; the earl of Mar, the bishop of Glasgow, and others were released from the confinement in England in which they had been held by King Edward I. they were sent to the Scottish borders under English escort. King Robert Bruce commissioned Walter Stewart to receive them and escort them to Scottish soil. This was the first meeting of the young Stewart with Marjory Bruce and he immediately fell in love with her. King Robert must have held the young Stewart in the highest esteem for he

4. “Metrical Life of Robert Bruce,” by John Barbour, pp. 228 and 232.



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willingly gave his daughter to him in marriage and conferred upon him the barony of Bathgate and other valuable lands. Marjory (Bruce) Stewart died in 1316, only a year after she was married. Walter Stewart married, third, Isabel Graham, daughter of Sir John Graham of Abercorn. He died April 9, 1326.

ROBERT STEWART, the succeeding high steward of Scotland, was the only son of Walter Stewart and Marjory Bruce. He was born March 2, 1316. When he was little more than seventeen years of age he was placed in command of a body of troops of the Scottish army upon the field of Halidon. After that defeat he was concealed for some time in Bute, knowing full well that the King of England was desirous of apprehending him, inasmuch as he was the heir-apparent to the Scottish throne. By act of parliament in session at Scone in 1318 the throne was entailed upon the issue of Marjory Bruce in the case of the death of all male heirs. Therefore Robert Stewart was next in line of succession to King David II., son of King Robert Bruce.

In 1334 he found refuge in the castle of Dunbarton and began actively to engage in plans for the recovery of Scotland for King David. While the king was in exile in France he was associated with John Randolph, earl of Moray, as one of the regents of Scotland and assisted in the military operations which resulted in Baliol, the pretender to the throne, being overthrown and driven from Scotland. In consequence of changes in the situation, in 1335, he lost the regency and Sir Andrew Moray of Bothwell took his place. Three years later Sir Andrew Moray died and Robert Stewart again became a regent. During all these years he was active in encouraging the national spirit of Scotland and in developing plans for the reinstatement of King David and the firmer establishment of the Stewart royal house upon the throne. When King David and his wife Joanna returned from France, Robert Stewart was among the first to greet them, and in the fighting that followed he was in the forefront of the battle at Durham which resulted so disastrously to the Scottish cause. After the capture of King David on this occasion Robert Stewart exerted himself to the uttermost to secure the release of Scotland's young monarch from the hands of the English. He was active and influential in the negotiations

for the treaty of peace between Scotland and England, and when that treaty was signed in 1357 he was one of the eight Scottish nobles who submitted themselves as hostages to King Edward to secure the fulfillment of its terms.

King David died February 22, 1370-1. As he left no male heir, Robert Stewart succeeded him on the throne and was crowned at Scone March 27, 1371. As a monarch King Robert II. made no marked impress upon his age. His precocious youth during which he accomplished so much for Scotland and his relative, King David, was the most brilliant part of his life. Although he reigned for nineteen years that period was of secondary importance compared to the preceding years of his life. It was of consequence only as marking an epoch in Scottish history, the commencement of a new race of kings—the Stewarts.

King Robert II. was past his prime when he came to the throne and seems to have lost altogether the spirit of activity that once dominated him. Shortly after his accession England again waged war upon Scotland but the King took no vigorous personal part in the defence of his country. Even when the French under Admiral Vienne came over to assist their Scottish allies King Robert was not present at first to meet them. Subsequently when he did see them he did not make a very agreeable impression. As one of the writers of that age said, they thought "it seemed right well that he was not a valiant man in arms; it seemed that he had rather lie still than ride."⁵ After that the King retired to the Highlands and did not show himself for some time, taking no part in military operations because, as the same writer says, "he was not in good point to ride in warfare and there he tarried all the war through and let his men alone."

He died in 1390.

He married, first, Elizabeth Mure, daughter of Sir Adam Mure of Rowallan, and by her had four sons and six daughters. He married, second, in 1355, Euphemia, countess of Moray, daughter of Hugh, earl of Ross, and widow of John Randolph, earl of Mornay, and by her had two sons and one daughter.

ROBERT (JOHN) STEWART, son of the preceding by his wife Elizabeth Mure, was born about 1340. He was originally John

5. "Chronicles of England," by Jean de Froissart.



Stewart, but that name was changed to Robert in order that as a monarch he should not carry the name of John Baliol, the old-time enemy of the Bruces in their contesting for the throne, and also from the desire of his parents to preserve in the line of the kings in the house the family name of Robert. He was the eldest son of King Robert II., and upon the death of his father in 1390 he was crowned at Scone. Physically he was not strong, and he never really governed the kingdom. He had little inclination to rule and was quite willing to entrust the affairs of the kingdom to regents who directed affairs the greater part of his lifetime. The first regent, his brother Robert, earl of Fife and duke of Albany, was succeeded in 1399 by David Stewart, the King's son, earl of Carrick and duke of Rothesay.

Albany conspired against his royal brother, and contested the position of the duke of Rothesay, who shortly died at Falkland under circumstances which have never been fully explained, but which have always been regarded as pointing toward his having been put away at the instigation of his uncle Albany. These domestic troubles naturally gave King Robert much unhappiness, and he took less and less interest in the affairs of his kingdom, allowing the contentious nobles to go on altogether in their own way. Retiring to his castle Rothesay, he fell into sickness and died April 4, 1406. His melancholy pursued him to the end. It is related that his wife urged him to follow the examples of his ancestors and the custom of the age by preparing a royal tomb for himself, but he refused her importunings saying that he "was a wretched man unworthy of a proud sepulchre;" and he prayed her to bury him in a dunghill with this epitaph, "Here lies the worst king and most miserable man in in the whole kingdom."

He married Annabella Drummond, daughter of Sir John Drummond. She died in 1401. He had three sons and three daughters.

JAMES STEWART, third son of Robert and Annabella (Drummond) Stewart, was born in Dunfermline in 1394. After the death of his brother David, duke of Rothesay, in March 1402, by reason of the anxiety of his parents lest he might fall victim to the animosity of his uncle Albany and other nobles, he was

placed with Bishop Henry Wardlaw at St. Andrew's to be cared for and to be educated. Two years later it was determined to send him to France for greater security, but on the way thither he was captured by an English man-of-war and with his companions taken to London where he was first imprisoned in the tower. During the subsequent nineteen years he lived in exile in England under more or less restraint, part of the time in prison, and again enjoying considerable freedom at the courts of King Henry IV. and King Henry V., and in the castles of English favorites of those kings. He was a man of pronounced literary taste and a writer of much merit. Several of his poetical works rank among the masterpieces of that period of English literature. The "Kingis Quair" tells in part his life story and a melancholy tinge pervades it.

"Bewailing in my chamber thus allone,
Despeired of all joye and remedye;
Fortirit of my thought and wo begone,
And to the wyndow gan I walk in hie,
To see the world and folk y^t went forbye,
As for the tyme though I of mirthis fude
My^t have no more, to luke it did me gude."⁵

When he came to manhood he met with much favor from King Henry V., and accompanied that monarch on many military expeditions. He was present with King Henry at the siege of Melun when the army of France with its Scottish supporters was defeated after a four months' engagement. Thereafter he remained in France several years, but upon the death of King Henry he returned to England. When the treaty was arranged between England and Scotland, in 1423, he was released upon payment of ransom and the agreement of other minor conditions. Before his return to Scotland he married, in February 1423-4, Joanna Beaufort, daughter of John Beaufort, the first earl of Somerset, and granddaughter of John Plantagenet of Gaunt. On May 21 of the same year he was crowned king of Scotland as James I., at Scone.

As soon as he was seated upon the throne he manifested great personal interest in the affairs of his kingdom and entered

6. "The Kingis Quaire," by King James I., Canto II.



ROBERT II. KING OF SCOTLAND

upon a policy of inaugurating new legislation, a course that he consistently followed throughout his entire life. Very early in his reign he was drawn into a contest with the nobles of Scotland who were principally led by Douglas, Dunbar, and Lennox; some twenty-five or thirty nobles were engaged in opposition to the crown and eventually a rebellion broke out led by James of Albany and others. This uprising was suppressed and several of the leaders were hanged, but the movement of the nobles against the royal house was never fully overcome. Throughout his reign the Albany malcontents were in constant opposition and the King was never able to abandon the policy of trying to destroy the power of those great nobles. Toward the end of his life strained relations with England promised to bring about another war between the two countries and this added to his troubles. He was a monarch of much ability, ruling under the most discouraging conditions, but still accomplishing a great deal for his beloved Scotland. It has been said of him that "while the nation made his predecessors kings he made Scotland a nation."

He died February 20, 1437, being assassinated by Sir Robert Graham. The story is told that in the previous December he journeyed to Perth to keep Christmas.

"As he was about to cross the Forth a Highland woman shouted 'An ye pass this water ye shall never return again alive.' He took up his residence in the cloister of the Black Friars of Perth. While playing a game of chess with a knight nicknamed the King of Love James referring to a prophecy that a king should die that year said to his opponent, 'There are no kings in Scotland but you and I. I shall take good care of myself and I counsel you to do the same.' A favorite squire told James he had dreamt that Sir Robert Graham would slay the king and for this he was rebuked by the Earl of Orkney. James himself had a dream of a cruel serpent and horrible toad attacking him in his chamber."

Finally these prophecies and dreams were realized in his assassination. By the marriages of his children he strengthened the royal house and the Scottish kingdom by powerful home and foreign alliances. Margaret Stewart married Louis, the dauphin of France, who afterwards became King Louis XI. of

France. Elizabeth, or Isabel, Stewart married Francis, count of Montfort and duke of Bretagne. Joan, or Janet, Stewart married James Douglas, lord Dalkeith. Mary Stewart married Wolfram van Borselen, lord of Camp-Vere in Zealand, who by his wife was earl of Buchan in Scotland. Annabella Stewart married George Gordon, the second earl of Huntley. Eleanor Stewart married the archduke Sigismund of Austria.

JAMES STEWART, Duke of Rothesay, son of Robert and Joanna (Beaufort) Stewart was born October 16, 1430. Only seven years old at the time of his father's death in 1437, he was crowned at Scone in March of that year. A regency was established, and the young prince was retained in the custody of his queen mother. Civil war between the rival nobles broke out and continued during the lifetime of this monarch as it had in the lifetime of his parent. When he became of age and assumed the throne and with it the authority, he was drawn into the contentions between the nobles, and, as his father had done, continued in opposition to the great leaders of the nobles' party. Personally he killed Lord Douglas and followed up that deed by a campaign in 1453-55 against the Douglas supporters. A war with England also demanded his attention, without which at that time no Scottish king could fairly consider himself to be ruling. In this war he laid siege to the city of Roxbury and there was killed accidentally August 3, 1460.

As a monarch he was vigorous, politic, and successful. Sincerely devoted to his people and desirous of raising Scotland to power as a nation, and of improving its domestic condition, he was naturally popular with the commons, but like his predecessors and those who followed him failed to win the approval and support of the noble class. He married in 1449 Mary Gelderland, daughter of Arnold, duke of Gelderland. By this marriage he strengthened the relations between Scotland and Flanders.

JAMES STEWART, son of James and Mary (Gelderland) Stewart, was born July 10, 1451. In his minority the nobles, still struggling against their inevitable downfall as a concentrated political power, tried to usurp authority but were not at all successful. In the exigency King James III., who had been crowned at the Abbey Kelso on the death of his father, took actual control

of affairs in 1460 when he was only eighteen years of age. At that time he had just been married and his bride was twelve years old, the Princess Margaret, daughter of King Christian I. of Denmark. The first part of his reign was very fortunate since Scotland was quiet at home and enjoyed peace abroad. Presently, however, came the inevitable war with England, while the brother of the King, the duke of Albany, rose against him and secured the support of King Edward IV. of England.

For a time James was successful against this movement of the nobles, but at Sauchie in 1488 his army was defeated and he was driven despairingly from the field. The circumstances of his death as related by the historians of the period were touching, but reflect little upon his courage. Escaping from the field of disaster he imprudently revealed his identity to a woman who was drawing water at a well by mournfully telling her, "I was your king this morning." According to the traditional story the woman thereupon called for a priest, and a soldier of the victorious army who happened to be near by assumed that character. When asked by the fallen monarch to shrive him the soldier replied that he would give him short shrift and promptly dispatched him with his sword.

JAMES STEWART, son of James and Margaret Stewart, was born March 18, 1472-3. After the fatal battle of Sauchie he was crowned as King James IV., and his troubles began at once at home and abroad. Some of the noble leaders who had been in revolt during the reign of his father were now restored to power, but the plottings that had been going on for generations preceding still continued, and King James found great difficulty in meeting them and keeping his kingdom quiet. At times he was courted by princes on friendly terms with his father-in-law, blessed by the pope, and at peace with his subjects. Again he was at odds with all parties and nearly all personages. In 1513 he was obliged to go to war again with England and was killed at Flodden.

The story goes that at the time of this battle, before leaving Linlithgow, he had been warned against the war by an apparition. A version of this tale given by Pittscottie was the basis of Scott's "Marmion." Therein is related how a bald-headed

old man in blue with brotikins on his feet and belted with a linen girdle suddenly appeared at the king's desk where he prayed and prophesied the defeat and death that soon followed. James married, in 1503, Margaret Tudor, eldest daughter of King Henry VII. of England. Out of this alliance grew the right of the Stewarts to the throne of England, which was successfully asserted three generations later when King James VI. of Scotland, great-grandson of King James IV., became King James I. of England.

JAMES STEWART, only son of James and Margaret (Tudor) Stewart, was born April 15, 1512. He was crowned at Scone in 1513 as King James V. Throughout his reign he was the victim of the evils of a regency and the ambitions of the nobles, and was no more able to contend successfully against them than had been the kings of his household who had preceded him. The marriage of the queen mother to Archibald Douglas, lord Angus, alienated the son from his maternal parent, and before he was eighteen years of age he plunged into the midst of affairs and made war the pursuit of his life. He had varying success against the Douglas party, but was always in the midst of conspiracies, mostly to his disadvantage, and he had also continually to contend against border raids with which the English vexed the country throughout his reign. His army was overthrown by the English at Solway, November 25, 1542, in more disastrous defeat even than that of Flodden, and the king died in Falkland, December 16 following.

James married, first, in 1537, Madelene, daughter of Francis I., king of France. His queen was an exceedingly attractive young woman, and it is said of her that "her fragile beauty won all hearts in Scotland." When she died in July, 1537, only a few months after her marriage, there was general and sincere mourning for her. James married, second, in 1538, Mary of Guise, daughter of Claude de Lorraine, duke of Guise, and widow of the duke de Longueville.

MARY STEWART, daughter of James Stewart by his wife Mary of Guise, was born December 8, 1542, and was a mere infant when the death of her father made her the queen. Her history as Mary, queen of Scots, has become a household word in English speaking lands, and need not be dwelt upon here. By the



KING ROBERT III.

order of Queen Elizabeth of England she was beheaded at Fotheringhay Castle, February 8, 1586, after a life full of unhappiness. She married, first, in 1558, Francis, the dauphin of France, afterwards King Francis II.; second, in 1566, Henry Stewart, lord Darnley, eldest son of Matthew, fourth earl of Lennox, heir-male of the Stewarts; third, in 1567, James Hepburn, earl of Bothwell.

JAMES STEWART, son of Mary, Queen of Scots, by her husband, Henry Stewart, lord Darnley, was born June 19, 1566. When his mother was forced to resign the crown at the time when the young prince was but a year old, he was declared king with the title of James VI. of Scotland, being crowned at Stirling, July 29, 1567. Upon the demise of Queen Elizabeth of England in 1603 he received the sceptre of England in addition to that of Scotland, ascending to the throne of the United Kingdom as King James I. During the minority of the king there was the usual regency of the nobles marked by the inevitable rivalry for power between the prominent men of the day, and this was followed by a civil war. The struggle between the nobles, the aristocracy, and the commonalty that had wracked Scotland during the entire Stewart regime assumed more virulence than ever before and practically reached its culmination during his reign. The nobles were still bent upon exercising their old feudal powers which had been gradually passing away from them for generations, while opposed to them was the popular party composed of the middle class that had been steadily growing in numbers, in strength and in influence until it had attained to a position where it was a factor that had to be seriously reckoned with. This middle class was largely Presbyterian in religious affiliation, while the nobles were quite as completely adherents of the Roman Catholic Church. King James, favoring Protestantism, was alienated from his mother who disinherited him, and the struggle between Protestantism and Catholicism became particularly violent as every student of history will readily recall. With the accession of James VI. of Scotland to the throne of England as King James I., ceased the history of the Stewarts as the royal line of Scotland exclusively.

(To be continued.)

ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

IT was natural that the series of articles which Mr. Theodore Schroeder has contributed to this magazine upon various phases of Mormonism should excite a considerable interest among readers everywhere, and especially among those who are believers in the religious principles which Mr. Schroeder has unspairingly criticised. The result has been to call forth a defence of Mormonism and many criticisms of Mr. Schroeder and the attitude which he has assumed towards the Mormon Church. These criticisms have come from several sources and in particular they seem to have moved official Mormondom to desire to present the subject from the point of view of that Church.

A series of several controversial articles treating this subject has been written for the *AMERICAN HISTORICAL MAGAZINE*, and the publication of them will begin in the September number. This series is from the pen of Mr. Brigham H. Roberts, of Salt Lake City, who is a member of the First Council of Seventies of the Mormon Church. Mr. Roberts takes up Mr. Schroeder's presentation of the subject in careful detail and attacks him from every point of criticism and argument. The papers of Mr. Roberts derive special interest and importance from the fact that they are the work of a leading member of the church, and are, therefore, in substance, official in character. They will be accepted, as they are undoubtedly intended, as the answer to the Mormon Church to the present day criticism of those who antagonize it. In that respect they constitute an exceedingly valuable contribution to contemporaneous historical literature and should attract widespread attention, both among those who are opponents of the Mormon Church, and those who are its supporters.

MORMONISM AND INTOXICANTS

BY THEODORE SCHROEDER

II

BY February, 1852, the sale of intoxicants had become so important a factor in the social life of this exclusively Mormon community, as, in the opinion of the legislature, to make it necessary for public protection to create the office of territorial inspector of spirituous liquors, and to provide a penalty of \$500 for the sale of uninspected intoxicant.³⁵ Later, in the same legislative session, this was supplemented by another act, prescribing a maximum penalty of \$500 and one year's imprisonment for the fraudulent adulteration of "any wine, spirituous or malt liquors, or other liquors" with the intention of selling the same. Herewith, also, came the first restriction upon the drunkard, by a law which prescribed the maximum sum of ten dollars, as a penalty for becoming "publicly intoxicated, so as to endanger the peace and quiet of the community."³⁶ The existence of the saloon, at this early date, is not wholly a matter of inference from this legislation, as will hereafter be shown, and as appears from Bancroft's "History of Utah," said to have been written by the Mormon church historian, Franklin D. Richard, which speaks of the existence of the saloon in 1854.

In January of 1869, the legislature passed an act authorizing county commissioners to license liquor manufacturing and sale outside of cities, upon any terms they saw fit.³⁷ In the meantime, a gentile governor, had, by the help of Federal troops, been forced upon rebellious Utah, and therefore Brigham Young was no longer interested in maintaining the gubernatorial monopoly, granted by former legislative act. He could control county officers, easier than a gentile governor.

The charter of Salt Lake City, which was a model for nearly

all other Utah cities, authorized the municipal authorities "to tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses."³⁸ This extraordinary power to tax, within cities, bawdy and other disorderly houses, will hardly convince outsiders, of the superior moral sensitiveness of the Mormon conscience. This part of the powers of city governments was repealed in 1868,³⁹ that being the time when the advance guard of gentiles was coming in, through the building of the Pacific Railroad.

In 1882, the legislature passed the first important license law, authorizing counties and cities to license the traffic at not less than \$100 nor more than \$1,200 per year. The licensee was required to give a bond, guaranteeing a compliance with the law, which prohibited Sunday liquor traffic, and the sale or gift of intoxicants to Indians, minors, idiots or employees, under twenty-one years of age, without consent of parent, guardian or employer. A married woman could sue on the bond, for "all damages sustained by herself and children, or either on account of such [prohibited] traffic." The law also provided, that no suit could be maintained for liquor bills, when sold in quantities less than five gallons.⁴⁰ This is really the first thing approximating legislative restrictions upon the liquor traffic in Utah and it is an interesting historical coincident, as showing the gentile increase, that this was preceded a few years, by the election of the first non-Mormon legislator in Utah. With some modification and additional restrictions, this license law is still in force. As it now exists, the law is not materially unlike the license laws of other states.⁴¹

Having studied the history of Mormon legislation on the liquor problem, we may profitably inquire into the practice under that legislation. The Salt Lake City records are not very complete, but enough can be gleaned from them, to determine whether or not the boast of superior temperance sentiment by Mormons is warranted.⁴²

The city council, of Salt Lake City, was organized January 11, 1851. In June of the same year, an ordinance was passed, providing that all liquors, which should be brought there should be placed in the hands of "such physician or physicians, as may

be appointed by the city council," and Jeter Clinton, a good saint, was chosen to dispose of all liquor for medicinal purposes. On August 4, 1851, this ordinance, not having proven satisfactory, was repealed. In March, 1852, a more liberal ordinance was adopted. On September 15, 1852, so the city records disclose, the right to sell beer and ale was granted to Wm. Hennefer. It seems that at or before this time, a brewery had been established in Salt Lake City, because on December 10, 1852, Jeter Clinton, the city quarantine physician, reported that he had visited the brewery, and was shocked to find swearing, and "a species of game" being played there. The owner of the brewery was cited before the council and reprimanded, pleading in extenuation, that he received \$4,000 per annum at his brewery, largely from immigrants, and that he spent this income, in the city, to the great advantage of its inhabitants.

On December 17, 1852, an ordinance, regulating the liquor traffic, was passed, but its context cannot be found, either in the original minutes of the council proceedings, or the published ordinances. A distillery was also established, prior to this time, since the council minutes show, that on December 24, 1852, P. W. Dobson asked permission to continue his distillery. On February, 1853, the city council prohibited the operation of distilleries after April 1. This seems to have incensed Brigham Young, because it was an infringement upon his prerogatives by virtue of the territorial statute hereinabove quoted, which gave him an exclusive right to license distilleries. Young presented his case to the council, which unanimously voted that they had infringed upon his vested rights, and repealed all ordinances for the sale and manufacture of intoxicants.

For some time, at nearly every session of the council, there were presented, petitions praying for distillery, or saloon license. To Elder Jeter Clinton, on July 1, 1853, for \$50 per annum, a license was granted to sell liquors at his residence, and on the same day, nine other petitions for licenses, were presented. July 9, 1853, three more were added. These petitions for licenses were granted for fees of from \$15 to \$25 per annum. Jeter Clinton was at once a good saint, quarantine physician and member of the city council, as well as saloon keeper, yet,

on December 16, 1853, his license was revoked, according to the record, because "of the disordered conduct of the house." However, Jeter was influential in the "council of the lord," and on July 29, 1854, received another liquor license, good for one year. John Mellon, another good saint, on July 29, 1854, asked a renewal of his license. His application was opposed by the charge, that he was in the habit of selling beer to children. On August 12, the petition was granted, the brother having in the meantime, "made satisfaction to the council." On August 26, 1854, among the four petitioners whom that day received a liquor license, was Robert Campbell, for many years Mormon city recorder.

On July 20, 1855, the city council discussed an ordinance declaring distilleries, breweries, liquor and beer shops a nuisance. The discussion involved the repeal of the ordinance of 1854, and the circumstances of its passage were explained by councilman Richards in these words: "There was enough to disturb and annoy the peace of society last season, when grog shops and beer shops were everywhere open to the public." The ordinance of 1854 was not repealed, but discretionary power to regulate the sale of liquors was given to the mayor. In 1857, still long before the advent of the gentile, and when Brigham Young, together with his minions, were in absolute control of everything in Utah, the saloon was so conspicuous in Salt Lake City, that Brigham Young designated its principal thorough-fare as "Whiskey Street"⁴³ and an apostle admitted the existence of a few drunkards.⁴⁴

On September 3, 1858, the Salt Lake House asked permission to run a bar, which permission was granted, in spite of the fact, that councilman Richards stated, that the house had been a scene of drunkenness and rioting. During the spring of this year, Albert Sidney Johnson and his army entered Utah, to suppress the Utah Rebellion.

The following year, (1859) Horace Greely visited Utah. During his short stay, he found almost everything favorable to the Mormons, but records that during the previous year more than 10,000 barrels of whiskey alone, had been sold in one city. With his usual generosity towards the Mormons, Greely credits Fed-

eral troops, located at Camp Floyd, forty miles distant by wagon road, with having consumed half. He reports the price at eight dollars per gallon, and the total consumption in Salt Lake City, at two hundred and fifty thousand dollars, for whiskey alone.⁴⁵

As before stated Young's monopoly of the power to license was repealed by the legislature in 1860, and soon after, a gentile governor was, by Federal troops, forced upon him; therefore we may not be much surprised to find the following report on the city books, for July 2nd, 1861:

"To the Honorable, the Mayor of Salt Lake City.

"Your Committee, to whom was referred the subject of the manufacture and sale of spirituous liquors, would report, that they visited several distilleries in and near the City, and would most respectfully recommend that the City Council purchase or rent the distillery erected by Brigham Young, near the mouth of Parley's Canon, and put the same in immediate operation, employing such person as shall be deemed necessary to manufacture a sufficient quantity to answer the public demand; controlling the sale of same, and that the profits accruing therefrom, be paid into the City Treasurer. (Signed.)

ALDERMAN CLINTON
ALDERMAN SHEETS
COUNCILMAN FELT."

The report was adopted and the Mayor instructed to execute its suggestions. On November 26, 1861, another special committee made a report to the mayor and council of Salt Lake City, on a city saloon and bar-keeper, which in part reads as follows:

"That the location occupied by N. H. Felt [a good saint] is suitable; that the liquor be sold at \$2.50 per gallon, that while the liquor be sold exclusively by your agents, that you connect therewith a commission business for the sale and exchange of all home manufactured articles."

Many old-timers, still remember the old city liquor store, near Second South and Main Streets, with the all-seeing eye and "Holiness to the Lord" over the lintels of the door. It was not infrequent, in those good old days, before the gentile

came in force, to see men and women come in from the country, buy "straight" alcohol and drink it with a little dilution.⁴⁶ Notwithstanding the city having engaged in the liquor business, the council, on August 11, 1865, granted Brigham Young a license to distill brandy from peaches. On the same date, Brigham Young and George Q. Cannon, addressed the city council upon the liquor question. Brigham Young, the "living oracle of God" said:

"This community needs vinegar and will require spirituous liquors for washing and for health, and it will be right and proper for the city to continue its sale, as it has done and make a profit."

For some years after, this Mormon city ran a distillery, a bar-room and a billiard hall, and the city council was occasionally edified by discussions upon the relative merits of different brands of whiskey, offered for sale to the city. In spite of the competition of Brigham's peach brandy distillery and other dispensers, the city's whiskey earning, during ten years of almost village existence, was \$190,000.⁴⁷ About this time, the council meetings were sometimes opened with prayer by the city saloon keeper. During the fifties and sixties, *The Deseret News*, being the official organ of the church, frequently contained advertisements of whiskey sellers, and news items of opening distilleries, admitting, at the same time, that some of the young people were fond of a spree.⁴⁸ These advertisements were not put in the church organ to reach the gentile consumers, since the latter were still too scarce. But this is not left to doubtful inference, since the language of the advertising matter clearly indicates what class the advertiser was seeking to reach. Here is a sample: "Conference folks will purchase their liquors and mild drinks from Sangio Wilson."⁴⁹

But there is still better evidence that the saints and not outsiders were the principal consumers of this fire water. The accounts of the city liquor store, reveal strange things. It appears therefrom, that on election and holy days, the city seems in its corporate capacity, to have furnished intoxicants in aid of the jollification. According to the books, at least \$685.35 was

thus expended. On July 4, 1871, there is a charge of \$12.90 for bread and pie, and \$152.10 for liquors.

High church dignitaries, seem to have been among the patrons of the city liquor store. In the account kept between it and Brigham Young, "the lion of the Lord" there are two hundred and thirty-five different charges for liquor between 1862 and 1872, aggregating \$9,316.66, or an average of \$846.97 per annum, or \$2.30 per day, including Sunday, but of course Brigham had a large family to supply. While elder Feremorz Little, was mayor of Salt Lake City, (1876 to 1882) the church organ made a parade of the number of saloons that were kept by the gentiles. Upon this subject, Mr. Little, the Mormon mayor, took occasion one night, before a congregation of his people, to say, that if none but gentiles drank the liquor in all those saloons, judging by the amount of license which they paid, these gentiles would have to drink daily an average of some ten gallons apiece.⁵⁰

How many distilleries existed in Utah, prior to 1862, cannot be ascertained, though we know there was no scarcity. The revenue collector's record shows, that between 1862, when the internal revenue system went into effect, and December, 1869, the advent of the railroad and the gentile, there were started in Utah, thirty-seven distilleries, all owned by Mormons and Brigham Young among them. No distillery has been operated in Utah, since 1870. Three of these distilleries, were operated by the cities of Salt Lake, Provo and St. George, respectively, all municipalities whose officers were exclusively Mormon. Not one distillery was owned by a gentile. Salt Lake City evaded the payment of its internal revenue on the liquors manufactured by it, until O. J. Hollister, internal revenue collector, prosecuted a claim against it, for \$30,000, which was compromised August 14, 1877, by the payment of \$12,051.75.⁵¹ A few municipalities in Utah, have prohibited the sale of intoxicants. In all these, however, it was easily possible, in drug stores and groceries, to obtain all the intoxicants desired. It is believed that now, the very great preponderance of Mormon public sentiment, is against prohibition and in favor of license and regulation.

As late as 1900 when the boast was still being repeated, that in purely Mormon communities, no saloons exist, high churchmen profited by the traffic, and some of the lowly, still enjoyed a spree. In the purely Mormon settlement of southern Utah, "dixie wine," still enabled many a brother to enjoy a quiet drunk. Occasionally, at a country dance, held, it may be, in the meeting house or school house, which dance is almost certain to be opened and closed by prayer, a jug of whiskey, perhaps even from a little illicit still, played an important part in the jollification. Information comes, that during the year 1901, a single bishop manufactured 600 gallons of "dixie wine," and that an apostle is doing a thriving business, selling whiskey as a beverage, over a drug counter.

It has occurred that wayward young men, who were sent on a mission, to repair their faith in Mormonism, have celebrated their departure with a debauch. On one such occasion, in recent years, the son of a most prominent saint in a drunken carouse performed a mock baptism on his missionary partner, in which with the usual baptismal formula, he emptied a bottle of beer over the head of his companion.

The Brigham Young Trust Company, with its apostolic directors, a few years ago was, and still is drawing rent from several saloons. The Saltair Beach Company, controlled in 1902 by apostles, and a majority of its stock held by Lorenzo Snow, "Prophet of God" as trustee for the Church of Jesus Christ of Latter-day Saints, for several years prior to 1902, rented bar privileges at its lake pavilion, and permitted Sunday whiskey selling and gambling devices to flourish there. It has also transpired that very wild orgies were indulged in, such as would rival a bowery dance.⁵²

The christian ministers of Salt Lake City, have endeavored to remonstrate with the "mouth-piece of God," upon the impropriety of allowing such unseemly conduct and lawbreaking, when he had it in his power to stop it. A ministerial committee endeavored to interview him, but without success, until about the close of the season. Through the Salt Lake City Herald, the prophet endeavored to justify his conduct, on no higher authority, than that others were also guilty.⁵³

Zion's Co-operative Mercantile Institution, with its prophet president and apostolic directors, and in spite of the all-seeing eye and the words "Holiness to the Lord," which adorn the front of its store, for years, had a liquor license, in its drug department. This selling of intoxicants as a beverage, some years ago received in the tabernacle, a pulpit endorsement by Joseph F. Smith, who soon after became the head of the Mormon church.⁵⁴

The foregoing recital of facts is made partly upon the authority of those Mormons who were church members, when they saw what they recorded, but mainly upon public or other record-evidence of publications, under the exclusive control of the stockholder in the Saltair Beach bathing resort, where for a Mormon leaders. These recitals, established as a fact, that the Mormon people are no more abstemious in relation to intoxicants, than are other people as a class. The evidence of it lies in their legislation, in relation to the liquor traffic; their practices under that legislation; the record of their distillery products, and whiskey consumption. Further evidence lies in the fact that every Mormon, to this day, sustains as the "living oracles of God," the prophets, seers and revelators, as persons "whose voice is the voice of God," such men as Joseph Smith, Brigham Young, John Taylor, Wilford Woodruff and Lorenzo Snow. The first of these prophets was a periodical drunkard and a saloon keeper. The second, owned and conducted two distilleries, vended their products, and when not in business, was a consumer from the city liquor store, alone, to the extent of \$9,316.66, as shown by the city's books, during ten years, and a part of that time, he was besides running a peach-brandy distillery of his own. The third Mormon prophet, as one of the leading authorities of the church, actively sustained all these doings and the men who did the acts. The fourth and fifth, or last prophet, each, in turn, kept himself directly interested financially in the sale of intoxicants, by being the controlling handsome consideration, they granted bar privileges, under which drunkards, desecrated the Sabbath. Both, likewise, in turn acted as president of Zion's Co-operative Mercantile Institution, where fire water was dispensed under a sign with the all-

seeing eye and the words "Holiness to the Lord" much to the financial advantage of the prophets and the moral disadvantage of their sheep following. The experiment of municipal ownership of saloons seems to have been without definite moral purpose, or sociological value.

As a psychological study, this recital demonstrates how easy it is for man to be a very fanatical adherent to a religious organization, and yet not have his life in the least degree affected by those parts of the creed, which do not cater to, or which oppose the easy gratification of his physical appetites or lust for gold. It also illustrates, how a large mass of people, of average honesty, though less than the average degree of intellectual development, can, through unquestioning ignorance, be led to believe in the divine authority of a priesthood, whose higher degrees, had their pretentious origin in a temple debauch, where excessive indulgence in consecrated wine, with its attendant drunken delirium, made mystic and other degenerates, see visions, accompanied by extraordinary profanity, by cursings, by blessings and by beastliness.

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- (35) "Laws of Utah," 1852, p. 160.
 - (36) "Laws of Utah," 1852, p. 89 and "Laws of Utah," 1855, Chap. 22, p. 169.
 - (37) "Compiled Laws" of 1866, Chap. 69, 95.
 - (38) Laws of 1855, Sec. 22, p. 68.
 - (39) "Laws of Utah," 1868, Chap. 28, p. 50.
 - (40) See "Laws of Utah," 1882.
 - (41) "Revised Statutes of Utah," 1898, Sec. 1242 to 1260.
 - (42) This boast is often made. See *The Arena*, June, 1899, also May, 1903, p. 452 and elsewhere.
 - (43) 7 *Deseret News*, p. 142.
 - (44) 7 *Deseret News*, p. 156.
 - (45) "An Overland Journey," p. 234.
 - (46) *Salt Lake Tribune*, May 20, 1899.
 - (47) *Salt Lake Tribune*, Feb. 12, 1882.
 - (48) For some references see *Kinsman*, June, 1889.
 - (49) Recopied from *Enoch's Advocate*.
 - (50) *Salt Lake Tribune*, May 20, 1889.
 - (51) Governor Murray in *North American Review*, April, 1882.
 - (52) *Salt Lake Tribune*, May 31, 1900.
 - (53) *Salt Lake Herald*, June, 1900.
 - (54) Official Report, 68th Annual Conference, p. 11.

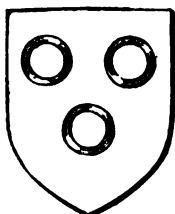
ORIGIN AND ANTIQUITY OF HERALDRY

IV

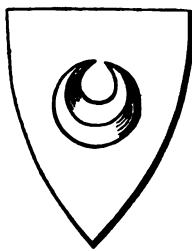
CONCLUSION OF CELESTRAL FIGURES.—ELEMENTS OF MAN'S BODY IN HERALDRY DEFINED.—FOUR FOOTED BEASTS

BY HENRY WHITTEMORE

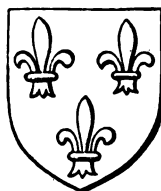
THE CRESCENT is the half moon with the points or horns upward toward the end of the shield. The ancient and honorable family of Seaton may be said to have assumed crescents for animal figures for the reason that their ancient territories and lands in East Lothian are formed by the river of Forth into three great bays like three half moons, from which land they have the surname of Seaton, among the most ancient of surnames. They had other lands in England; a Seaton in Northumberland now called Seaton Delaval, since it was possessed by the honorable family of the name of Deland, and Seaton Whitbystrand in Yorkshire. Dugdale in his "Baronage of England," says that Edmond Manly, who behaved himself so valiantly in the wars against Scotland obtained from King Edward I. the name Seaton of Whitbystrand, which was a part of the land of Christopher Seaton, who married the sister of Robert the Bruce, king of Scotland. In England many families have crescents for the principal armorial figures as Lee, earl of Litchfield for his paternal coat: argent a fesse between three crescents sable.



Annulet.



Crescent.
(425)



Fleur-de-lys.



THE INCRESCENT with its horns or points toward the right side of the shield, is called increscent from the Latin and by the French *croissant couche*. It is said to represent the moon in its first quarter and so the rising in time of some hopeful spark, illuminated and honored by the glorious aspect and beams of his sovereign.

THE DECRESCENT when the half moon looks to the left side of the shield, is called by the French *croissant contourne*. A decrescent, says Gerard Leigh, is fit for a man that is advanced to honors in his old age when all other things decrease with him, being the moon in his third quarter. Kent, in his "Book of Blazon," gives the arms of a baron of Yorkshire thus: azure a mullet or, in chief, increscent and decrescent argent; for which we ordinarily say a star of five points or, and in chief two crescents adosse argent.

CRESCENT REVERSED. This has its points or horns, downwards; such as heralds and historians tell us Aben Mahomet, the great Moorish prince, who overran Spain, carried on his banner: arms-vert, a crescent reversed argent, all within a bordure, whereon were words which signified: "God is good, and Mohamet is his great prophet." And afterwards, at the famous battle of Navis de Tolosa, when that prince was defeated, and his banner beaten down, many families in Spain, to show that their progenitors shared in that victory carried gules three crescents reversed argent, within a bordure with holy words and sentences. The positions then of the half moon are by way of crescent. The French say *croissant montant tourne renoverse*, and sometimes are situate in bend dexter and sinister.

STARS.

"These," says Nesbit, "are as frequent in armories as the crescents, and have been considered in their nature, influences, appearances and names in composing devices and arms: yet in the last, through a long descent to succeeding bearers the considerations upon their first assumption are almost totally forgotten for want of record, in place of which we find only some heraldic books stuffed with stones and symbolical representa-

tions of those figures as if the present bearers of those were endowed with divine qualities, and to shine on earth like those bright luminaries, where as in the most of them there is no such thing to be found, and their honor is only that their brighter predecessors have transmitted to them those as marks of their ancient nobility."

They are to be considered as principal figures, distinguishing families from one another, and not as marks of cadency and additional figures to difference younger sons of crescents and stars among themselves. The star has, in almost all ages been made use of as a mark of honor. Robert, king of France, instituted the royal order of the Star, being of gold, with five points in the field, azure, which the knights of the order wore on the left side as a badge of honor, and after the extinction of that order it became the badge of the night-watch in the city of Paris. John, king of France, took for his device a star with these words, *monstrant regibus astra viam*: alluding to the star which appeared to the three kings in the east at the birth of our Saviour.

The ancient family of Beaux, whom the Latins call Bausii, sometimes princes of Orange, carried for arms, gules, a star of sixteen points argent, to show that they were descended from one of the three kings or wise men who came to worship our Saviour. There was a branch of this family, great lords in the kingdom of Naples, as Jacob Imhoff, in his "Treatise on the Princes of the Empire," says, carried the aforesaid arms upon the same account.

The name bailee carries azure, nine stars, three, three, two and one argent. Sir George Mackenzie says "they carried anciently only but six stars as was on the seal which Sir John Bailee of Hoprig in East-Lothian, appended to that argument made at Berwick in the year 1292, with Edward I. of England to hear the claims of the competitors for the crown of Scotland. But afterwards, some of the heads of that family being in France, killing a wild boar added three stars, which in all make up nine to represent the constellation of *ursa major*, and to make this achievement more adequate, took for a crest a boar's head, with the motto, *quid clarius astres*. These figures in the

arms of the name of Bailie are known to be stars by the motto, yet the English call such figures mullets, even when accompanied with the moon, or surmounted with clouds.

Mullets having five points and unpierced are taken for stars and estoiles, especially when alone, and when they accompany other celestial figures; but mullets, when of six points, and pierced in the middle, and accompanying military figures are to be taken for spear-rowels. Camden, in his "Remains," says that some ascribe the first use of armor in this part of the world to the Picts and Bretons, who going naked to the wars, adorned their bodies with figures and blazons of diverse colors; and Moneypenny tells us that they artificially pounced or cut small holes in their skins, and poured in coloured liquors, over which the skin grew, and the colors of the liquor appeared through in the form of stars and other figures by which they distinguished in kindreds and clans.

Some heralds, especially the English, call stars of five straight points, mullets; but if of more points than five, and wavy, they blazon three stars of so many points. The family of Innes carries argent, three stars of six points, waived, azure, and in the dexter canton the badge of knight baronet; supporters, two greyhounds proper, collared, azure, and charged with three stars; crest, a boar's head coupé, or, with the motto. Be traist. James Innes, of that ilk, was armor bearer to King James II.

The English, when stars are of six points or more blazon them stars of so many points, and when waved call them only estoile. When mullets, or estoiles, with the English are pierced like the rowel of a spear they blazon them mullets and estoiles pierced, and take them for stars, and not for spur rowels, as the French and other nations do who call them mullets. Doughty, in England, has argent two bars between three mullets, six points pierced sable.

OF MAN AND HIS PARTS IN ARMS.

The use of man and his parts in arms may be said among many other reasons for their practice to have proceeded from the old seals of princes and great men, and from the seals of

churchmen upon which they had their own images, these of their patron saints, and of angels and cherubims, as signs of authority, piety and devotion. From the old seals of princes, when ordinarily on one side they were represented enthroned, and on the other, on horseback, as a chevalier, came the practice of such into the arms of counties, cities and families.

The parts of men, such as the head, arms, legs, etc., are frequent in arms; as trophies of victory, signs of great expeditions, and as relative to the names of the bearers. These parts, whether of man or beast, when cut off from the body, are either coupé or erased; coupé, when those parts of the body are clearly cut off, as by a straight line, and erased when they are to be torn or plucked off, having pieces of the skin or flesh hanging at them as some say, like the teeth of a saw. *Bust* is said of a man or woman with a full face, neck and shoulders.

THE ARM of a man is frequently carried as the emblem of strength. The Armstrongs, in the south of Scotland, as relative to their name had: argent, a dexter arm issuing from the sinister side of the shield, clothed, gules, holding a tree eradiant in pale, proper, broken at the top. Some of this name have the arm holding a sword. Francis Armstrong, son to John Armstrong, and coupé at the shoulder, argent; crest, an arm issuing strong, of Parknow, had azure, a fesse or, between two arms out of a cloud holding a club proper.¹

Hands are frequent in arms as signs of valour and symbols of faith and justice; when expanded and the palm seen they are said to be *palme*. Thus the McDonalds as a part of their armorial bearings have a dexter hand coupé fesse-ways proper, holding a cross crosslet, *fitchée sable* upon this account. It is said that one of their progenitors assisted St. Patrick to propagate the Christian faith in Ireland, and to reduce the barbarous

1. Tradition states that the original name of Armstrong was Fairbairn, and that it was changed to Armstrong on the following occasion: An ancient king of Scotland, having his horse killed under him in battle was immediately remounted by Fairbairn, his armour bearer, on his own horse. For this timely assistance the king amply rewarded him with lands on the borders, and to perpetuate the memory of so important a service, as well as the manner in which it was performed (for Fairbairn took the King by the thigh, and set him on the saddle,) his royal master gave him the appellation of Armstrong, and assigned him crest "an armed hand and arm, in the hand a leg and foot in armour, coupé at the thigh, all proper."

people there to civility and Christianity. Their ensign was the hand holding a cross crosslet fitchée.

The left hand is taken to be a symbol of justice, because the right, say heralds and writers of devices, *est promptā ad omnia nequitia*. With the Romans the left hand is an ensign of empire, and has been continued since by the kings of France, who when enthroned, held in their right hand a sceptre of gold, and in their left a rod of ivory topped with a left hand palme called the rod of justice, to show the integrity that sovereigns and judges should observe in administering justice; it is one of the regalias of the king of France, and was sometimes represented on the seals of Henry V. and VI. of England, when they thought themselves masters and kings of France. The arms of the province of Ulster in Ireland are argent a sinister hand coupée gules palme. This has now become the badge of the knights baronets in England.

Two right hands grasping each other is called by the French *fois*, and is taken for the emblem of friendship, fidelity, and alliance; it is frequently met with on medals and ensigns. The Swiss cantons, when they united had, on a medal for that reason, two dexter hands joined with the words "*unio inseparables*."

The arms of man have been carried by noble families who were dignified with the title of Lords of Man. King James II. of Scotland created Alexander, his second son, Duke of Albany, Earl of March, Lord of Annandale, and Lord of the Isle of Man, upon which account he carried the arms of these dignities; quarterly, first, the arms of Scotland; second, gules a lion rampant argent, within a bordure of the last charged with eight roses of the first for the earldom of March; third, three legs of a man armed proper, conjoined in the centre, at the upper part of the thighs, flexed in triangle, garnished and spurred or, for the Isle of Man; and fourth, or, a saltire and chief gules, for the lordship of Annandale. These arms were on his seal, appended to charters and other grants by him, and are yet to be seen on the College Church of Edinburgh, to which he was a benefactor; they were also carried by his sons, his successors in their dignities.

THE HEART. The other principal part of man, the heart, is

frequent in arms, upon the account of affection, event, religion, and as speaking to the name. The name of the Lockharts has a man's heart also, because of an act of one of their predecessors. After the death of King Robert the Bruce, in 1329, a distinguished member of the Locard family, Sir Simon Locard of Lee, accompanied Lord James Douglass to the Holy Land, with the heart of the deceased monarch for interment. From this circumstance the Douglasses bear in their arms a crowned heart; and the king's heart having been placed within a padlock, Sir Simon changed his name to Lockheart, making a rebus and the motto—*carda serata pando* (*I lay open locked hearts.*)

The surname Hart carries relations to the name, viz. gules on a chief argent, three hearts of the first. Robert Hart, a valiant man, say the historians, was killed with Lord Douglass fighting against the English in the battle of Ottenburn. The Harts of London carry gules on a chief indented or, three human hearts of the first.

The Jesuits carry on their arms a heart pierced with three passion nails. The religious of the order of St. Augustine have for arms: argent, the heart of that saint, proper, with flames of fire issuing out of it on a chief sable.

FOUR FOOTED BEASTS. THEIR APPLICATION TO AND REPRESENTATIVE USES IN HERALDRY.

THE LEOPARD. The ensign of Rollo, the first Duke of Normandy, A. D. 900, bore a leopard, the offspring of a lion, and a panther, or pard. That animal, reputed for rashness had been chosen as the emblem of the Northmen, or Normans, who gloried in their boldness in attacking their enemies. When the country of Maine, upon the Meyenne, was annexed to the dukedom of Normandy a second leopard was added to the first on the Norman standard, and then unfurled in Mans, the capital of Maine. William, the sixth Duke of Normandy, having conquered England in 1066, introduced the two leopards as the royal standard or flag of his kingdom.

Philip XI. king of France summoned Edward III. to come to Amiens to do him homage for the dukedom of Guyenne, an English possession held under the crown of France. The royal sum-

mons declared that "in case of the non-appearance of Edward to do the customary fealty, Guyenne would be forfeited by the feudal law." The King of England, being obliged to comply, went to France in great state, an event which the French historians describe: "Edward III., king of England, entered the cathedral of Amiens with a numerous retinue, and rendered homage to Philip, his lord paramount. The king of France had a blue robe, and the king of England wore a robe of crimson velvet, with three leopards embroidered in gold and silver."

At the accession of James I. in England the Norman leopards were considered derogatory to the royal authority, and annihilated as a badge of the English slavery under the Norman race. Therefore the three leopards or lions, *leopardes* were superseded by three golden lions, *passant guardant* on the new British shield.

THE LION. Because of his heroic qualities, the lion is used as the emblem of strength, courage, generosity, power and royalty, being known as the King of Beasts. His noble posture or position in arms is to be erect, on his hind feet towards the right and upper angle of the shield, the head direct forward, showing but one ear and one eye, in which position as the first, he is called by the French as *Leon*, and this emblem was first adopted in France by the family of Leon or Leonne which claimed descent from a Roman noble of the fourth century. This emblem was first adopted by the tribe of Judah—the Lion of the tribe of Judah—each of the tribes adopting a different emblem; that of Reuben, a waterpot; Simeon, the basis of a wall; Levi, the parapet of a wall; Zebulon, a ship; Issachar, an ass; Dan, a serpent; Gad, a suit of armour; Naphthali, a loaf of bread; Asher, a hind; Joseph, a bough or palm; Benjamin, a wolf.

Canute the Great, King of England (A. D. 1017) and Denmark, having conquered the Kingdom of Norway, hoisted the Norwegian lion. This was a golden lion, fighting erect, *rampant* with a battle axe. It was depicted on an azure shield strewn over with *red* hearts, and the three crowns of England, Denmark and Norway.

Henry II. had married Eleanor of Aquitaine or Guyenne, who brought in marriage to him the duchy of Guyenne, in France.

The arms of Bordeaux, the capital of Guyenne, having a golden lion, that charge of augmentation was marshalled with the two Norman Leopards on the escutcheon of England. Henry II. with his two Norman Leopards and the golden lion of Aquitaine has been painted on the windows of St. Julian's cathedral, in the city of Mans (capital of Maine), and that picture has been copied in many engravings still extant.

Richard I., in sailing for Syria, took the island of Cyprus or Chrype, but soon exchanged it for the nominal title of King of Jerusalem, and hoisted the banner of the lion of the Holy City. This as the sleeping or dormant lion of Judah—the badge of David and Solomon, kings of Jerusalem from the tribe of Judah. Thenceforth Richard assumed the surname of *coeur de lion* either for his lion or for his great achievement against the infidels.

The lion has been carried as the armorial ensign of Scotland since the first founding of the monarchy by King Fergus I. which is not only asserted by eight historians and antiquarians, but other nations as well. Favin is his "Theatre of Honor" book third, says: "Fergus I. of Scotland, for the magnanimity of his courage took for his arms and device, the creature counted the symbol of valiancy and generosity, viz. "*d'or un lion rampant de gueles*," which the successors, the kings of Scotland have retained without change to the present time. Further evidence is given in the history of Florence of the antiquity of the lion, which states that the Scots ensign was carried by William, the brother of King Achaius at the head of 4,000 Scots in the wars of Charles the Great, of France, in Italy, where the people in honor of the Scots and their ensign adopted public games, in which a lion was crowned with many honors and ceremonies for the Scots' valor in their relief, as the custom was in those days. Arnoldus Uiron, an ancient writer, says of the ensign of Scotland, first; that it was a red lion on a gold field; and second, that the lion was surrounded with a double tressure flowered and counter-flowered with fleurs-de-lis after the union with France.

The lion has also been very anciently carried by the lords and counts of Flanders. The Franks, before they took their pere-

grination to France, carried a lion, and when settled they had the same.

The old earls of Dunbar carried a lion rampant. Cospatrick, Earl of Northumberland got from Malcolm Canmore the lands of Dunbar and several others in Lothian and the Merse. His son and successor was Cospatricus Canes who carried, gules, a lion rampant argent, within a bordure of the first, charged with roses of the second. In the reign of King David he granted a donation of the churches of Home Lamden, Greenlaw, the lands of Foye, and the lands called Botheallshulls to the Abbacy of Kelso. He is said to have died in 1166 and was succeeded by his son or grandson Walleous, or Waldeous, Earl of Dunbar, who confirmed the charters of his father and grandfather to the Abbacy of Kelso.

The lion, when his teeth, tongue, and claws are of a different tincture from his body is said to be armed and langued of such a tincture, but when he is represented without them he is said to be *morne*, and that he is said to have tongue and teeth but lacking in claws. The lion *salient* is almost the same as rampant, but when *salient* he is less erect as his position were bend ways. In this position he is said to prosecute his prey, leaping. The lion *passant* in arms, is said to be when his right foot is lifted a little up.

GUARDANT AND REGARDANT. These attributes are given to the lion on account of the position of his head. If he is erect, showing a full face with his two eyes and ears he is called a lion *rampant guardant*. He is called *reguardant* when his head is turned back, looking over his shoulder and showing the other eye and ear. The lion is *passant* or *guardant* when he is represented



Rampant-guardant.



Passant-guardant.



Passant-regardant.

as showing a full face with two eyes and two ears, which position the English say denotes consideration. When a lion is represented sleeping in blazon it is termed *dormant* and when sitting is said to be *sejant*. This device is used for the crest of Scotland. As has already been stated this was the position of the lion of Judah—the badge of David and Solomon, Kings of Jerusalem from the tribe of Judah, and was adopted by Richard I., who assumed the surname of *coeur de lion* either for his lion or for his great achievements against the infidels.

The armorial bearings of the Prince of Wales show: Arms—quarterly 1st and 4th, three lions, *passant guardant* in pale or; England: 2nd, or, a lion rampant within a double tressure, flory and counter-flory, gules. Crest—on the coronet of the Prince of Wales, a lion, *statant, guardant*, or crowned with the like coronet, and differenced with a label of three points argent. Supporters—dexter, a lion, *guardant*, or, crowned with the Prince of Wales coronet and differenced by a label of three points argent; sinister, an unicorn argent, gored with a coronet composed of fleurs-de-lis and crossed *patees alternately*. Motto—*Ich Dein*.

THE UNICORN. This animal is so named from an horn which grows out of its forehead; he is of great esteem for his virtue as well as for his strength. In his horn the naturalists place a powerful antidote against poison and tell us that the wild beasts seek to drink in the waters after the unicorn has stirred them with his horn. He is remarkable for his strength, but more for his great and haughty spirit, and would rather die than be brought to subjection. Thus in Job xxxix, 9.10. "Will the unicorn be willing to serve thee, or abide by thy crib? "Canst thou bind the unicorn with his band in the furrow? or wilt thou harrow the valleys after thee?"

Upon these considerations, and others, the unicorn is frequently represented in devices and armories as a supporter of the sovereign ensign to show the unconquered and independent sovereignty; and as being part of the achievement of Scotland, he has been granted by the English kings to some of their well-deserving subjects as an additional honor to their armorial bearings; and by others assumed on account of its noble quali-

ties. The positions of the unicorn in arms are much the same as those of the lion; as erect, *passant* and *sejant*. When the unicorn is erect he is said to be *sejant*. The unicorn *sejant* is so placed on the tops of several marked crosses in Scotland as of that of Edinburgh, holding the banner of the kingdom.

Unicorn's heads, couped or erased are frequent in armories. This was assumed by the ancient family of Preston from the barony of Preston in the shire of Edinburgh, in the reign of King Robert the Bruce. Edward Preston is a witness in a charter of King Robert I. confirming a deed of Robert Blackburn to John Renton, of Billie. Historians give an account of Sir Lawrence Preston, who, with William Keith and Robert Gordon, defeated the English under the command of General Talbot and took him prisoner. Preston of Fermartin had for arms, argent, three unicorns' head erased sable, which family ended in an heiress married to one of the progenitors of Firbes, of Tolquhon, who now quarter those arms with their own, as other families who have matched with heiresses of that name of old; as Stewart of Galsington and Stewart of Dalsumton accompany their *fesse cheque* with three unicorns' heads erased sable. Several families of England carry unicorn heads erased. The unicorn forms one of the supporters in the arms of Great Britain and Ireland and those of the Prince of Wales, Duke of Edinburgh, Duke of Connaught, Cumberland, Cambridge and others.



THE WHITE HORSE OF ODIN

THE HORSE. For his commendable and useful qualities, long before the use of armors the horse was with the Romans, a sign of honor proper to those of the equestrian order and from it came the *tilte* of honor chevalier. The horse being an emblem of the sun, surnamed the vigorous courser, was represented with wings. This fabulous white winged horse was supposed to have sprung from the blood of Medusa, one of the three Gorgons. Perseus, the son of Jupiter by Danae, was reputed to have killed Medusa in the garden of the Hesperides, in Libya (Africa), and to have flown thence into Asia through the air mounted on a flying horse. This fable arose from the figure of a horse on the prow of the swift sailing ship with white sails, named Hippocriff, or the winged horse, in which Perseus made a voyage to Africa.

A white horse was the standard of Cecropia, a city of Greece, founded by Cecrops, the chief of the Egyptian colony. This badge recalled that the finest white horse had been brought by sea from Egypt into Greece. The city was enlarged by the Greeks, who dedicated it to Minerva, surnamed Athena. Hence the city derived the name of Athens, capital of Attica. The manufactures and commerce of Cecropia made Athens the emporium of Greece, but under the Athenians, who were an imaginative people, the useful arts degenerated into useless productions called the fine arts; and the useful writers declined into awakened dreamers or poets who invented mythology—or history turned into fable. Hence the tradition of the white horse arriving by sea, was arranged into a sacred pedigree of which the following is the substance: “Nepthune created a white war horse to endow Athens. This swift animal was given to Mars, the god of War, for the defence of the country and the standard of Attica.” The city of Agos likewise had deified the horse Arion. The Thessalians adored thus the immortal horse Xanthus, who spoke to his master Achilles.

A warlike people in the North of Asia, fighting with scythes derived hence the name of Scythians. (Cossacks in a Northern dialect.) They took arms and conquered Persia, whence they placed on the throne a king of their own nation. Their standards and coins exhibited a sagittary, an emblem of the great skill

of the Parthians as archers and horsemen. They were so intrepid in shooting their arrows, when retreating, that their flight procured them great victories. It was in a like manner that the coins of Thessalia bore a centaur as a symbol of the ability of the Thessalians in horsemanship. Many naturalists of antiquity have mentioned the centaur as an animal half man and half a taurus or bull, which race has become extinct.

The Roman empire being invaded by the barbarians, the emperor, Valentinian III., recalled the legions from the south of Britain. The Britains obtained the favor that the Roman garrisons of the north should remain a few years longer, in order to rebuild the wall of Septimus Severus, or the northern wall in Northumbria, which had been partly destroyed by the Picts or Scots. Meanwhile the Saxons making incursions upon the southern coasts, the forlorn Britons armed themselves in their own defence. They hoisted the terrific *labarum*, or standard of Trajan, bearing the chevalier vanquishing the dragon, but they consecrated it to Albion, the first patronal god of the Isle. Thence Albion was depicted as a chevalier on a white horse, trampling on the dragon: and many cities of Britain adopted that badge as an emblem of their fortified gates.

The horse has been anciently borne in arms as by Hengist, the founder of the Saxon race, who had a horse erect, which his name signified. His successors continued the same in the Saxon language, when it was called *Phalon*. When a horse's neck, shoulders and fore feet are seen, he is blazoned a demi-horse. The term sagittary is a figure half man and half horse drawing a bow to let fly an arrow, and this, some say, King Stephen of England covered with gold in a red field for his arms. Others say that he assumed the sagittary only for his device because his entry to the throne was when the sun was thin in the celestial sagittarius.

THE BOAR. This animal, say the naturalists and heralds is a champion among other wild beasts, and encounters his enemy with a noble courage, and, in order to battle, he is said to whet and sharpen his tusks. Gullim says "he betokeneth a man of bold spirit, skilful and politic in warlike feats." Richard III. having a blue boar in his coat of arms when he was Duke of

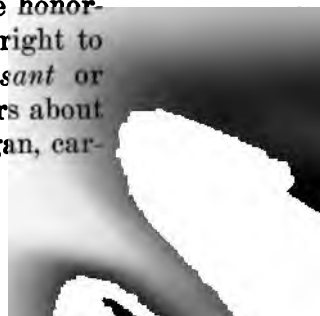
Gloucester, introduced it as a supporter of the royal shield, but changed it into a white one. This boar, argent or white, which had the bristles and hoofs gold, was placed on the sinister or left side, opposite to the lion guardant. The boar of Richard has often been indifferently represented white or blue in his arms. So unpopular was Richard on account of the murder of his two nephews that a satire directed against the King and his three ministers, stated that:

“The rat, the cat, and lovil, our dog,
Rule all England, under a hog.”

The boar's head with all nations has been very much used as an armorial figure, especially in Scotland, by many ancient families of different surnames in different shires throughout the kingdom. The surnames of the ancient families of Gordon, Nesbit, Swinton, Redpath and Danse, so named by their baronies which lie contiguous in the shire of Berwick from which their different surnames were taken, all carried their boars' heads of different tincture, by which it seems that the tradition is probable that they were originally of one stock and afterwards became the heads of families of different surnames. Their antiquity appears in the charters of the ancient English kings.

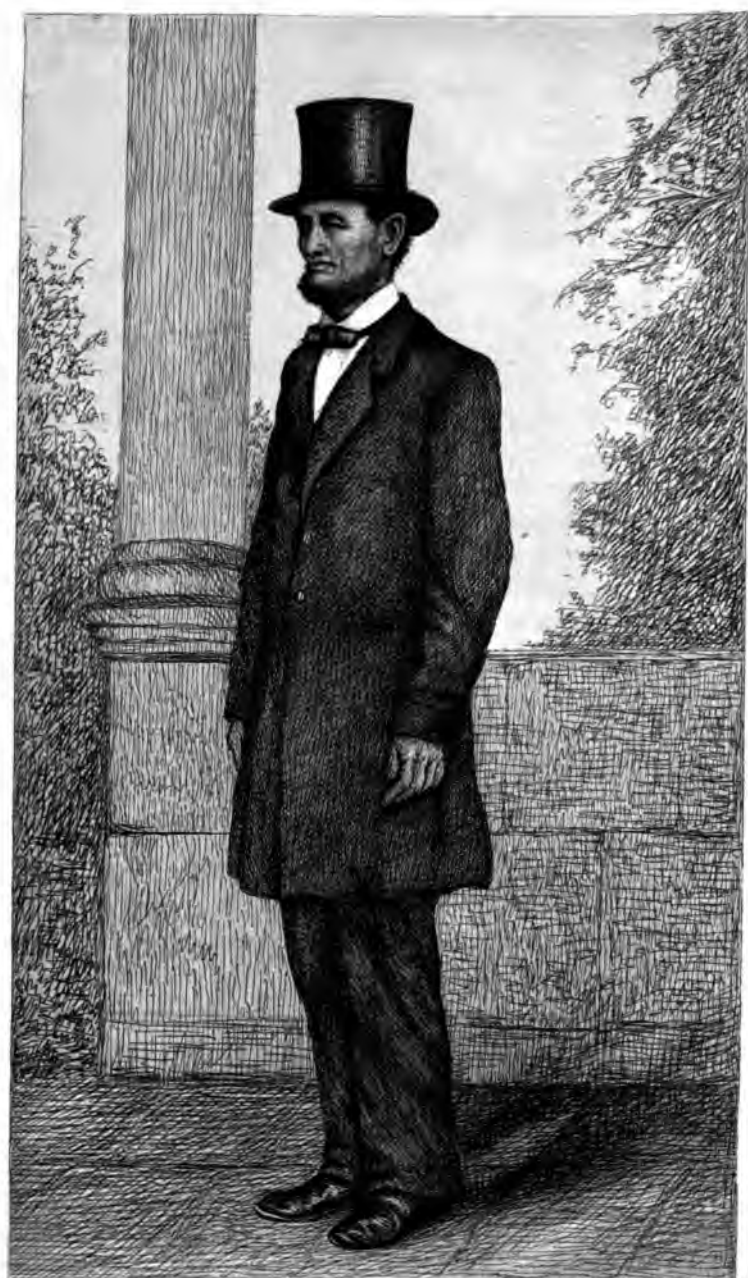
Boars' heads with their necks are now represented fesse-ways, but in old paintings and carvings they were given with their necks couped or erased, as those in the old bearing of Gordon of Earlston. Sometimes they are placed pale-ways, that is erect as the bearing of the earl of Warrington in England who carries Arms, three boars' heads erased and erected, sable.

THE DOG. There are two kinds—household and hunting dogs. The town of Dam, in Flanders, has a dog in its arms as relative to its old name Hondes Dam, a dog's sluice. The dog is often used in devices as the emblem of vigilance and fidelity for which they are also carried in arms, but the dogs of chase are more frequent than the former, and are looked upon as more honorable in showing their owner to be noble and to have a right to hunting. Their positions in armories are either *passant* or *courant*, or *salient*, and for the most part they have collars about their necks which are called collared. Hunter, of Ballagan, car-



ries arms, argent, three hunting horns vert, stringed gules. Alexander Udney, representative of an ancient family in the shire of Aberdeen carried—arms, gules, two greyhounds counter, salient, argent, the dexter surmounted of the sinister saltierways collared of the field, and in the chief point a stag's head couped, attired with ten tynes, all betwixt three fleurs-de-lis proper, wreathed about the head and middle with laurel, vert, holding in their hands clubs proper.

(To be continued.)



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THE ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

(A Reply to Mr. Theodore Schroeder)

I

WHEN one undertakes at this late day a serious discussion of the Spaulding theory of the origin of The Book of Mormon, he instinctively feels inclined to begin with an apology to his readers. When Pococke inquired of Grotius, where the proof was of that story of the pigeon, trained to pick peas from Mohomet's ear, and pass for an angel dictating the Koran to him; Grotius answered that there was no proof. The statement here is Carlyle's; and the gruff old Scotch philosopher adds in his sour fashion, "It is really time to dismiss all that." So indeed we think of this Spaulding myth in reference to its being the origin of The Book of Mormon.

When the church of which The Book of Mormon may be said in a way to have been the origin has survived the most cruel religious persecution of modern times, first in the expulsion of from twelve to fifteen thousand of its members from the state of Missouri; and second, in the murder of its first prophet in Illinois, followed by the expatriation of between twenty and thirty thousand of its members from the territory of the United States; when that religious movement to which the Book of Mormon may be said to have given the first impulse, and is now a continuous sustaining factor, has resulted in the founding of a number of American commonwealths in the inter-mountain country of the United States, some of which are now sovereign states in the American

1. "Heroes and Heroe Worship," by Thomas Carlyle, lecture II.

Union;² when that people who accept the Book of Mormon as a divine revelation have established, for an extent of well nigh three thousand miles through the plateau valleys of the Rocky Mountains—from the province of Alberta, Canada, to the states of Chihuahua and Sonora in the republic of Mexico—no less than between six and seven hundred settlements, many of them prosperous towns of large manufacturing as well as of large agriculture and trade interests; when that same people have won world-wide renown as superior colonizers, and are eagerly sought for in such enterprises because of their well known sobriety, honesty, frugality and industry; when that same people are quietly building up an educational system including as it does the founding of universities in its principal centers, and academies elsewhere as feeders to the central educational institutions;³ when those who accept the Book of Mormon as a divine revelation continuously sustain a corps of missionaries, numbering from twelve to eighteen hundred, to carry their message to the world, and these missionaries are at work in nearly all civilized nations and in the islands of the Pacific, meeting their own expenses and manifesting the unselfishness of their faith by their works—their service for God and fellowman; when the Book of Mormon itself has been accepted in the first three-quarters of a century of its existence by hundreds of thousands of earnest people of average intelligence and certainly of independent character; when the Book of Mormon itself has been translated into and published in at least eleven languages, in a number of which it has run through many editions and the copies published run into hundreds of thousands, and with no abatement of interest yet manifested; when the Book of Mormon is creating not only a people but also a literature, embracing history, poetry and philosophy; when it is inspiring music, painting and sculpture—when all this has come of the Book of

2. It must not be supposed that the migration of the Mormon people to the Salt Lake and adjacent valleys when that region was Mexican territory, resulted only in the founding of the state of Utah. Indirectly and directly, too, that movement contributed to the settlement of the entire inter-mountain region, and the founding of the states created out of that territory.

3. This refers to the Brigham Young University at Provo, Utah, the Latter-day Saints' University in Salt Lake City, and fifteen Colleges and Academies in other parts of the territory occupied by the Saints in the inter-mountain West. See "Defense of the Faith and the Saints," p. 226.


Mormon, is it not really about time to dismiss all that silly talk of the Spaulding manuscript being stolen by Rigdon, revamped by him and palmed off upon the world by a back-wood's boy as a revelation, and this practiced fraud and deception being the origin of all this that is here enumerated?

What faith men must have in fraud and dishonesty to think it can start and sustain all this! What a lasting victory is accorded to a thing conceived in fraud, brought forth in iniquity, and perpetuated by continuous falsehood! What credulity is required to believe all this! Let no one hereafter, standing in such ranks, dare say that "cheat," is a horse good only for a short race. They must know better than that from the stand they take in this Book of Mormon matter.

JUSTIFICATIONS FOR REPLYING TO MR. SCHROEDER.

Two things, yea, three, justify a reply to Mr. Theodore Schroeder's series of articles on "The Origin of the Book of Mormon," published in the September and November numbers of the *American Historical Magazine*, for 1906, and the January and May numbers for 1907.

The first justification is the fact of the high standing of the magazine in which his articles appeared. Published in a periodical of such rank, if unchallenged, they might lead many to believe undeniable the theory there advanced for the origin of the Book of Mormon, and the argument by which said theory is sustained, unanswerable. It has been from just such circumstances as these with reference to articles that appeared in standard works, in histories and encyclopedias, that mormonism suffered so much defamation in the earlier years of its existence. It now stands recorded in the earlier editions of the *American Cyclopedia* and in the *Encyclopedia Britannica* that David Whitmer denied his testimony as one of the witnesses to the divinity of the Book of Mormon; and that his two associate witnesses, Oliver Cowdery and Martin Harris, had denied their testimony to that book. Being misinformed from these high sources of information, doubtless tens of thousands have been impressed with those untrue



statements. David Whitmer never denied his testimony. In a brochure issued by himself, in 1887, and referring directly to these false statements, he said:

“It is recorded in the American Cyclopaedia and the Encyclopaedia Britannica, that I, David Whitmer, have denied my testimony as one of the three witnesses to the divinity of the Book of Mormon; and that the other two witnesses, Oliver Cowdery and Martin Harris, denied their testimony to that Book. I will say once more to all mankind, that I have never at any time denied that testimony or any part thereof. I also testify to the world, that neither Oliver Cowdery nor Martin Harris ever at any time denied their testimony. They both died re-affirming the truth of the divine authenticity of the Book of Mormon.”⁴

People, however, can still quote the above named standard works to prove that these men denied their testimony and were false witnesses. It is to prevent as far as possible the creation of such conditions respecting Mr. Schroeder's articles in the American Historical Magazine that I think it important that they should be answered.

The second thing that justifies an answer to Mr. Schroeder, is the form in which his treatment of the subject is cast. Much in the form would lead one to believe, at first glance, that here we had a really exhaustive treatise of the origin of the Book of Mormon; that every item of obtainable information had been collected, the mass of facts sifted and net results given, instead of a specious plea made for a special theory. This is evidenced in the constant appeal to sources of information in the notes appended to the articles, of which notes there are one hundred and ninety-six. Then there is an occasional halting in the movement of the argument, as if to weigh the evidence, to balance one statement against another as if to get down to bed-rock facts, instead of a mere effort to remove some obstruction in the way of the special theory being worked out. All of which is but so much juggling with forms of treatment,—an effort to win the reader with the shows of honest

4. “Address to all Believers in Christ,” p. 8. The high character and reputation for truthfulness of David Whitmer is attested in this brochure by all the leading officials and citizens of Richmond, Mo., (not mormons) where he lived for fifty years, pp. 8-10.

argument, to betray him in deeper consequences. Shimmering under all these forms may be seen the arts of the special pleader bent on making out a case. It is the false appearance of exhaustive and fair treatment of the subject that makes it desirable to answer Mr. Schroeder.

The third justification for answering Mr. Schroeder's articles arises out of a suggestion of the gentleman himself, near the close of his articles, namely, that the actors who participated in the origin of the Book of Mormon are all dead, and that "upon the precise question here discussed, no new evidence is likely to be discovered. All the evidence directly affecting either side of the question has been introduced and reviewed." One may pardon the conscious or unconscious self-complacency contained in this suggestion, and even encourage it by saying to the gentleman that we think he is right; that after him there will come no other who will so diligently search for evidence "on the precise question here discussed." For who but him will ever dare to venture to walk by such light as that by which his foot-steps have been guided? But with reference to "all the evidence directly affecting either side of the question" having been "introduced and reviewed," I must hold a different opinion. Believing, however, that Mr. Schroeder has collected, presented and, with as much art as it will be found possible to enlist in such a cause, sustained his special view of the Spaulding theory of the origin of the Book of Mormon, one can but feel that having reached the climax of evidence and argument the case should be considered by those holding an opposite belief.

PRELIMINARY CONSIDERATIONS.

One other preliminary word should be said before coming directly to Mr. Schroeder's theory and argument, and that in relation to the authorities on which the gentleman relies for the support of his views. Of course I am not unacquainted with the old controversy concerning the degree of credibility to be allowed to interested witnesses, and also the suspicion that at-

5. Mr. Schroeder while living in Utah some years ago was proprietor, editor and publisher of *Lucifer's Lantern*, a ribald infidel periodical as would be inferred from the title as well as from its contents. It is this to which allusion is made in the text.

taches to witnesses for the miraculous. I have too long sustained in public debate an unpopular cause not to have heard the cry that the witnesses for the truth for which I contended were "interested witness;" notwithstanding those who were my opponents, at the same time accepted Christianity on the testimony of "interested witnesses," and discarded entirely the testimony of unfriendly witnesses, or "interested witnesses" on the opposite side of the case. I trust that the suggestion in this paragraph will indicate the unfairness of discrediting and discarding entirely the testimony of the witnesses for Joseph Smith's account of the origin of the Book of Mormon, on the ground that they are "interested witnesses," and taking for truth the statements of the "interested witnesses" on the other side of the controversy.

I have some acquaintance also with that school of thought which discredits witnesses of the miraculous. I am familiar with the laborious exposition of that theory by the late Professor Huxley in his article on "The Value of Witnesses to the Miraculous;"⁶ and also with his controversy on the same subject with Dr. Henry Wace, prebendary of St. Paul's Cathedral, and other Church of England ministers.⁷ One could scarcely live in this critical age of ours and be unaware of the existence of the school of thought which undertakes to bar from the court of public debate the testimony of those who are witnesses of things held to "transcend human experience." Such testimony, it is said, suggests "credulity on the one hand and fraud on the other."⁸ And still, both in the history of the past and now, witnesses of the so called miraculous are factors to be reckoned with in our world's controversies.

It may be that the future will disclose the fact that very much which in the past has been regarded as miraculous, as transcending "all sane human experience," to use a phrase of Mr. Schroeder's, is only such because of human ignorance at the time of a witnessed event, and that miracles only exist for the

6. *The Nineteenth Century Review*, March, 1889.

7. *The Nineteenth Century Review*, February, 1889; also March April, May and June.

8. "A supernatural relation cannot be accepted as such, that it always implies credulity or imposture," Renan's "Life of Jesus," introduction, p. 45.

ignorant. Still I concede that one needs to be upon his guard respecting this class of evidence, for man's love for the marvelous leads him into strange self-deceptions, as also the practice of deception upon others. But while conceding this on the one hand, on the other I desire to call attention to a matter entirely neglected by Mr. Schroeder, namely, the general untrustworthiness of testimony in religious controversies where those considering themselves orthodox feel called upon to resist what are supposed to be religious innovations. The truth of this is supported by all ecclesiastical history. Even pious men, where the innovations especially contravene particular doctrines or theories of established institutions in which they are interested, often become utterly unreliable as witnesses in matters where their opponents are concerned.

So universally is the fact here pointed out accepted that citations of particular instances are scarcely necessary as proof. But lest others forget the fact, as Mr. Schroeder apparently has forgotten it, let me ask: Is Roman Catholic historical testimony regarded as reliable where facts relating to Protestants and the Protestant movement are concerned? Where does Martin Luther stand if the testimony of Catholic contemporaries or the representations of Catholic historians are to determine his place in history? A treatise upon the "Protestant Reformers" and the value of the sixteenth century reformation, based wholly upon "Bossuet's Variations," and other writers of his kind, would not be regarded as of any special value among intelligent people. And Catholics have fared but little better at the hands of Protestants. The testimony of either party against the other is quite generally regarded with suspicion by those who stand aloof from their controversies, while the respective parties to the discussions mutually denounce each other as false witnesses, until "Catholic lie" and "Protestant mis-representation" are cries and counter-cries that echo and re-echo through all the pages of Catholic and Protestant controversial and historical literature.

But let us look further up the historic stream of sectarian animosity. What of Jesus, the Son of God himself? If the sectarian Jews, his contemporaries, are alone to be the accepted witnesses of his words and actions and character, what would be

the effect of their testimony upon the historic Christ? It would make him base born, a wine bibber, an associate of harlots, publicans and sinners; it would make him an innovator of sacred customs, a desecrator of the temple, a seditious person, a blasphemer. And so well did the sectaries of his day succeed in making themselves believed that the populace of Jerusalem surged through the streets crying "crucify him, crucify him;" and he was condemned by the Sanhedrin to death, from which fate not even a friendly disposed Roman procurator could save him. The sectarian Jews sub-borned witnesses, who either swore falsely against the Christ, or wrongly interpreted his words and actions; and all this in a holy zeal for the preservation of the established order of things among the Jews. After his resurrection the same characters bribed the Roman guard set to watch the sepulcher, put a lie into their mouths, and pledged their influence as a guarantee against punishment from their superior officers for the neglect of duty involved in the falsehood they were bribed to tell.⁹ What was Paul's experience with these same sectarian Jews after he became a proselyte to the Christian faith? Briefly told, the same in character as his master's.¹⁰ So well known is the fact of sectarian bitterness; such the zeal of the orthodox for the established faith, that the Emperor Julian, usually called the "Apostate," who both understood and derided the theological disputes of the hostile Christian sects, invited to the palace the leaders of the hostile sects, that he might enjoy the agreeable spectacle of their furious encounters.

"The clamor of controversy sometimes provoked the emperor to exclaim, 'Hear me! The Franks have heard me, and the Alemanni;' but he soon discovered that he was now engaged with more obstinate and implacable enemies; and though he exerted the powers of oratory to persuade them to live in concord, or at least in peace, he was perfectly satisfied, before he dismissed them from his presence, that he had nothing to dread from the union of the Christians."¹¹

9. Matthew xxvi, 59-70; see also xxvi, xxviii.

10. See Acts of the Apostles from Chapters xiii to xxviii, inclusive.

11. "History of the Decline and Fall of the Roman Empire," by Edward Gibbon, chap. xxiii.

Such the bitterness of sectarian strife, in which the orthodox party has ever been as harsh, as untruthful, as unscrupulous, as resourceful at invention of evil things, as savage and cruel as the heretics have been. Nay, in the sum of such things the preponderance is on their side.

VARIOUS CLASSES OF WITNESSES

In the application of this melancholy fact to the controversy between Christendom and the Mormon Church respecting the origin of the Book of Mormon, let no one charge me with a begging of the question because I am going to insist that the witnesses quoted by Mr. Schroeder are largely unreliable, because of their zeal against an innovation of orthodox christianity. Not so. It is not my purpose to beg the question by use of the historic fact here brought to view. I only ask that it shall be given its proper value in weighing the evidence to be considered. And I lay stress upon it only because it is an element in the evidence adduced by Mr. Schroeder which is taken no account of at all by him.

He gives no weight at all, considers not at all, the evidence of those who have accepted Joseph Smith's account of the origin of the Book of Mormon, but he gives unbounded credence to every statement from the "interested witnesses" on the other side of the question, except, of course, where they are mutually destructive of each other, and then he seeks to explain away the inconsistencies and contradictions. A casual remark, a reported saying, or a confused recollection of some obscure person, of whose character we have no knowledge, nor any means of testing it, find their way into some one or other of the hundred anti-Mormon books published, and then are published by such anti-Mormon controversialists as Mr. Schroeder. Citations are made of them in marginal notes, and in time they come to be regarded, by the ordinary reader, as of equal authority with any other witness; and thus the unworthy, unreliable and, in some cases, a positively vicious and false witness is given equal—and sometimes even more than equal—credence with witnesses of unimpeachable probity, and high character, and who have back

of their testimony perhaps a life time of toil, suffering, sacrifice, and sometimes martyrdom.

Of this class of witnesses let me here add one further remark. I know that Arch-deacon Paley and his "View of the Evidences of Christianity" are scoffed at by a certain school of latter-day critics, as being somewhat out of date and insipid; but there is one statement he makes that I cannot help but believe has great force in it. He holds in his argument that because the early Christians in support of the Christian miracles of which they were eye witnesses, and which so called miracles could not be resolved into delusion or mistake, passed their lives in labors, dangers, and sufferings, voluntarily undertaken, in attestation of the accounts which they delivered,—therefore, they are worthy of credence. To illustrate the point forcefully, he says:

"If the reformers in the time of Wickliffe, or of Luther; or those of England, in the time of Henry the Eighth, or of Queen Mary; or the founders of our religious sects since, such as were Mr. Whitfield and Mr. Wesley in our own times; had undergone the life of toil and exertion, of danger and sufferings, which we know that many of them did undergo, for a miraculous story; that is to say, if they had founded their public ministry upon the allegation of miracles wrought within their own knowledge, and upon narratives which could not be resolved into delusion or mistake; and if it had appeared, that their conduct really had its origin in these accounts, *I should have believed them.*"¹²

I mention this matter here for two reasons; first because many of those witnesses who accepted the Book of Mormon as true, are of the class of witnesses here spoken of by Dr. Paley. They were men who voluntarily passed their lives in labors, dangers, and sufferings, voluntarily undertaken, in attestation of the accounts they delivered to the world of the Book of Mormon's origin; and second, because having conceded that men should cautiously receive the testimony to the so called miraculous, I desire to say that when the events to which the testimony relates are of such character that they may not be resolved into delusion or mistake, and the testimony is backed up by a life of toil, danger and suffering, not only voluntarily undertaken but

12. Paley's "Evidences," proposition II, chap. I.

persisted in—then, I say, their testimony is such that it commands respect and acceptance; and at the very lowest valuation possible to be put upon it, should out-rank in credibility whole hecatombs of such witnesses to the contrary as quoted by Mr. Schroeder—witnesses imbued, in many cases, with personal hatred of Joseph Smith and the Mormon system, and all influenced by sectarian zeal to uphold the orthodox view of such Christianity as existed at the time and place in which they lived.

But returning now to the point at which the foregoing digression began, let me say it is the promiscuous mingling and equalizing of witnesses; and the failure to take into account the unreliability of witnesses of the orthodox party when resisting and seeking to overthrow what they regard as an innovation upon their most cherished ideas and institutions, that I charge against Mr. Schroeder's treatment of the origin of the Book of Mormon. The witnesses must be weighed as well as counted in this controversy; and the liability recognized of the anti-Mormon witnesses, in the supposed interests of orthodoxy, resorting to the invention and promulgation of falsehood.

CONFLICTING THEORIES OF ORIGIN.

It must not be supposed by the reader of Mr. Schroeder's articles that his theory of the origin of the Book of Mormon is the only anti-Mormon theory of its origin advanced. Of course Mr. Schroeder does not claim that it is, but points out quite the contrary in his first article. Why the matter is referred to in these preliminary remarks, is because I want to assure my readers that we "mormons" get considerable amusement out of the conflicting theories advanced to account for the origin of our Book of Mormon. The necessity for a counter-theory for the origin of the book, other than that advanced by Joseph Smith, was early recognized. Christendom felt that Joseph Smith's story of the book's origin must be overthrown, else what would come of this new revelation, this new dispensation of God's word? Joseph Smith's account of the origin of the book was a direct challenge to the teachings of modern Christendom that revelation had ceased; that the awful voice of prophecy would

no more be heard; that the volume of scripture was completed and forever closed, and that the Bible was the only volume of scripture. Hence Christendom must find some other origin for this book than that given by Joseph Smith.

The first to respond to this immediately "felt want" of Christendom was Alexander Campbell, founder of the sect of the Disciples. He assigned the book's origin to Joseph Smith, point blank, and charged ignorance and conscious fraud upon its author.¹³

Next came the Spaulding Theory" of origin which Campbell accepted in place of his own, and of which more later. Then came Miss Dougal's theory of the prophet's self-delusion, "by the automatic freaks of a vigorous but undisciplined brain, and yielding to these, he became confirmed in the hysterical temperament which always adds to delusion self-deception, and to self-deception half conscious fraud."¹⁴ Next came Mr. I. Woodbridge Riley's theory (1902) of pure hallucination honestly mistaken for inspired visions "with partly conscious and partly unconscious hypnotic powers over others."

Mr. Schroeder, however, will have none of these theories, but turns back to the theory of the Spaulding manuscript origin. To him "the conclusions" of Mr. Riley, because so many material considerations were overlooked by that author, are very unsatisfactory, though admittedly Mr. Riley's effort is the best "along this line."¹⁵ On his part Mr. Riley, speaking of previous theories, especially including the Spaulding theory, says:

"In spite of a continuous stream of conjectural literature, it is as yet impossible to pick out any special document as an original source of the Book of Mormon. In particular the commonly accepted Spaulding theory is insoluble from external evidence and disproved by internal evidence. Joseph Smith's record of the Indians 'is a product indigenous to the New York wilder-

13. Campbell's critique on the Book of Mormon, appeared in the *Millennial Harbinger*, vol. II, 1831, under the title "Mormonites." The criticism is exhaustive and bitter. It is, in fact, a fine example of the bitterness of religious controversialists, in defense of orthodox views.

14. "The Mormon Prophet," by Lily Dougall. New York, Appleton & Co., 1899. My quotation is from the preface, p. vii.

15. See Mr. Schroeder's note, 2.

ness', and the authentic work of its author and proprietor. Outwardly, it reflects the local color of Palmyra and Manchester, inwardly, its complex of thought is a replica of Smith's muddled brain. This monument of misplaced energy was possible to the impressionable youth constituted and circumstanced as he was."¹⁶

Mr. Riley's phrase "conjectural literature" is good. It admirably describes the Spaulding theory literature at which it is particularly aimed. That theory being "insoluble from external evidence," is also good; but "disproved by internal evidence," is better. I shall not forget that either, later on. But if these variant theorizers can't convert each other, how can they hope to convert us Mormons? "When rogues fall out, honest men"—but there, the proverb is somewhat trite and I do not wish to be offensive. But let the merry disagreement of anti-Mormon theorizers go on! Meanwhile new translations of the Book of Mormon multiply, new editions are struck off, and more people are made acquainted with its contents; the Church to which it may be said to have given existence, enlarges her borders and strengthens her stakes. She is gaining a victory over her traducers, and winning her place in the world's history and in the world's religious thought.

MR. SCHROEDER'S STATEMENT OF HIS CASE.

These preliminary remarks ended, I proceed now with the consideration of Mr. Schroeder's evidence and argument. Mr. Schroeder states the "case" he proposes to prove, item by item, as follows:

"It will be shown that Solomon Spaulding was much interested in American antiquities, that he wrote a novel entitled the "Manuscript Found," in which he attempted to account for the existence of the American Indian by giving him an Israelitish origin;

16. "The Founder of Mormonism," 1902. This is a psychological study of Joseph Smith, the prophet. "The aim of this work is to examine Joseph Smith's character and achievements from the standpoint of recent psychology. Sectarians and phrenologists, spiritualists and mesmerists have variously interpreted his more or less abnormal performances—it remains for the psychologist to have a try at them." The quotation of the text is from the Preface. A review of Mr. Riley's book by the present writer is found in "Defense of the Faith and the Saints," pp. 41-55.

"That the first incomplete outline of this story, with many features peculiar to itself and the Book of Mormon, is now in the library of Oberlin college, and that while the story as rewritten was in the hands of a prospective publisher, it was stolen from the office under circumstances which caused Sidney Rigdon, of early Mormon fame, to be suspected as the thief;

"That later Rigdon, on two occasions, exhibited a similar manuscript which in one instance he declared had been written by Spaulding and left with a printer for publication.

"It will be shown further that Rigdon had opportunity to steal the manuscript and that he foreknew the forthcoming and the contents of the Book of Mormon;

"That through Parley P. Pratt, later one of the first Mormon apostles, a plain and certain connection is traced between Sidney Rigdon and Joseph Smith and that they were friends between 1827 and 1830.

"To all this will be added very conclusive evidence of the identity of the distinguished features of Spaulding's "Manuscript Found," and the Book of Mormon.

"These facts, coupled with Smith's admitted intellectual incapacity for producing the book unaided, will close the argument upon this branch of the question, and it is hoped will convince all not in the meshes of Mormonism that the Book of Mormon is a plagiarism."¹⁷

THE FACTS OF THE SPAULDING MANUSCRIPT.

The facts which may be conceded in Mr. Schroeder's recital of evidences, and the claims generally made in relation to Solomon Spaulding and his precious manuscript, are: that Spaulding was born 1761, in Connecticut; that he graduated from Portsmouth in 1785; that he graduated in theology in 1787, and became an obscure preacher; that he made his residence in New Salem, Ashtabula Co., Ohio, now called Conneaut, about 1808 or 1809; that in the region about Salem were certain mounds and ruins of forts and other fortifications, relics of a supposedly pre-historic civilization; that during Spaulding's residence at Conneaut he wrote a story in some way connected with the ancient inhabitants of America; that this story feigned to be a translation from a Latin manuscript which Spaulding pre-

17. I have taken the liberty of throwing the several propositions into separate paragraphs.

tended to have found in a cave in the vicinity of Conneaut, hence the title that came to attach to it, "Manuscript Found;" that about 1812 Spaulding moved to Pittsburg where he resided some two years; that while at Pittsburg there may have been something said about publishing this story, but just what is uncertain, and the story was never published; that in 1814 Spaulding removed to Amity, Washington county, Penn.; that in 1816 Spaulding died.

That after the death of Spaulding his wife and daughter at once removed to the home of Mrs. Spaulding's brother, a Mr. William Sabine, in Onondago Valley, Onondago Co., N. Y., taking with them the "Manuscript Found" with other Spaulding papers in an old trunk;¹⁸ that Mrs. Spaulding next moved to the home of her parents in Pomfret, Conn., but leaving her daughter with the old trunk and its papers, including "Manuscript Found," at Sabine's;¹⁹ that in 1820 Mrs. Spaulding married a Mr. Davidson of Hartwicks, a village near Cooperstown, N. Y., and sent for the things she had left at the home of her brother in Onondago; that said things were sent to her, including the old trunk and its papers which reached her at Hartwicks in safety;²⁰ that Mr. Spaulding's daughter, named Matilda, married Dr. A. McKinstry of Monson, Hampden Co., Mass., in 1828 and went to Monson, Mass., to reside; that soon afterwards Mrs. Davidson (formerly the wife of Spaulding) came to live with her daughter in Monson, leaving the old trunk and its papers in Hartwicks in care of Mr. Jerome Clark; that Mrs. Davidson continued to live with her daughter up to the time of her death, in 1844;²¹

That while these former Spauldings were living in Monson, in 1834, one Hurlburt came to them representing that he had been sent by a committee to procure the "Manuscript Found" written by Solomon Spaulding for the purpose of comparing it with the "Mormon bible;"²² that he represented that he had

18. Sworn statement of Mrs. Matilda McKinstry, the daughter of Solomon Spaulding, *Scribner's Magazine*, August, 1880.

19. *Ibid.*

20. *Ibid.* The language of Mrs. McKinstry is, "I remember that the old trunk with its contents reached her (Mrs. Davidson) in safety."

21. *Ibid.*

22. "History of the Church, vol. II, pp. 2, 3, 47, 49 and note. Also Mrs. McKinstry's affidavit.

been a convert to the Mormon faith but had given it up and through the Spaulding manuscript wished to expose its wickedness;²³ that he presented a letter from William H. Sabine, brother of the former Mrs. Spaulding, requesting her to loan the "Manuscript Found," written by her former husband, to Hurlburt, representing that he (Sabine) was desirous "to up-root this Mormon fraud;"²⁴ that Mrs. Davidson reluctantly consented to the solicitations of her brother and Hurlburt and gave the latter a note to Jerome Clark, instructing Mr. Clark to open the trunk and deliver the manuscript to Hurlburt; that Hurlburt went to Hartwicks, presented his order to Mr. Clark and got the Manuscript; that Hurlburt got but one manuscript;²⁵ that this Manuscript Hurlburt delivered to E. D. Howe, then having in course of preparation his anti-Mormon book "Mormonism Unveiled;"²⁶ that Howe kept said manuscript until after "Mormonism Unveiled" was published, then it passed out of sight and he supposed it to have been burned;²⁷ that really, however, it was unwittingly conveyed by Howe to one L. L. Rice who purchased Howe's *Painesville Telegraph* and business in 1834, or 1840; the transfer of the printing department being accompanied with a collection of books and manuscripts, Spaulding's "Manuscript Found" going over with the rest;²⁸

That some years afterwards Mr. Rice closed up his business affairs in Painesville, Ohio, and made his home in Honolulu, taking with him his books, papers, etc.;²⁹ that in 1884 he was visited by James H. Fairchild, president of Oberlin College, Ohio; that President Fairchild, while at the residence of Rice suggested that a look through his (Mr. Rice's) papers might discover some anti-slavery documents of importance, (Mr. Rice while editor and proprietor of the *Painesville Telegraph* having

23. Ibid.

24. Ibid.

25. "New Light on Mormonism," p. 260-Hurlburt's letter.

26. Statement of D. P. Hurlburt in a letter, dated at Gibsonburg, Ohio, August 19, 1870, "New Light on Mormonism," p. 260.

27. Statement of Hurlburt, "New Light on Mormonism," p. 260; also statement E. D. Howe, in a letter to Hurlburt, August 7, 1880, "New Light on Mormonism," p. 259.

28. See "The Manuscript Found," Rice's *verbatim et literatim* copy, printed by the *Deseret News*, 1886, preface.

29. Ibid.

been especially interested in the question of slavery); that in his search Mr. Rice found a package marked in pencil on the outside, "Manuscript Story-Conneaut Creek;" that on the manuscript was endorsed the following:

The Writings of Solomon Spaulding Proved by Aron Wright Oliver Smith John Miller and others

The testimonies of the above gentlemen are now in my possession

*D. P. Hurlburt*³⁰

That this manuscript, unquestionably Spaulding's, and the one known as "Manuscript Found," was deposited by Mr. Rice with Oberlin College, Ohio, where it now is preserved; that Mr. L. L. Rice himself made a *verbatim et literatim* manuscript copy of this paper, including all erasures, alterations, errors, etc., and from this copy the Church of Jesus Christ of Later-day Saints published "Manuscript Found" in 1886;³¹ that it makes a pamphlet of one hundred and twelve pages of printed matter, of about three hundred and fifty words to the page; that in nothing does it resemble the Book of Mormon—"there seems to be no name or incident common to the two," says President Fairchild, "the solemn style of the Book of Mormon, in imitation of the English Scriptures, does not appear in the Manuscript."³²

The foregoing recital represents the facts concerning Spaulding's "Manuscript Found." The claim that the manuscript, as above traced, was but a first rough sketch of a story which Spaulding abandoned, and that he wrote a second story dealing with matters of more ancient date; that it was written in imita-

30. For the above see *Bibliotheca Sacra*, published in Oberlin, Ohio, January Number, 1885. Also "The Manuscript Found," *Deseret News* Print, p. 113.

31. Preface, "The Manuscript Found," *Deseret News* print, Preface.

32. Letter of President Fairchild, *Bibliotheca Sacra*, January, 1885. Mr. Schroeder, by the way, seems much disturbed over the very frank statement of President Fairchild, published in 1885, to the effect that the theory of "the origin of the Book of Mormon in the traditional manuscript of Solomon Spaulding will probably have to be relinquished." * * * "Mr. Rice, myself, and others compared it with the Book of Mormon, and could detect no resemblance between the two in general or detail. Some other explanation of the origin of the Book of Mormon must be found, if an explanation is required." This is said, of course, of the manuscript now at Oberlin. It is said of the only manuscript of Solomon Spaulding's treating on ancient America, that any one knows anything about.

tion of scriptural style, and assigned an Israelitish origin for his colony that came from Jerusalem to America; that in this second story many names were used that are also found in the Book of Mormon, such as Lehi, Nephi, Laman, Zarahemla, etc.; that there is a close structural resemblance between the feigned historical incidents in Spaulding's second story and the Book of Mormon; that this second Spaulding story was deposited with printers at Pittsburg for publication; that while there Sidney Rigdon either stole it and never returned it (Mr. Schroeder's theory), or else that Rigdon borrowed it, copied it and returned the original to the printer; that there were several Spaulding manuscripts, and that Sidney Rigdon stole the one that was finally prepared for the press by Spaulding, and perhaps Joseph Smith stole one of the unfinished Spaulding manuscripts, (Mr. Clark Branden's theory);³³ that this manuscript, plus the religious matter of the Book of Mormon, added by Sidney Rigdon, became the foundation of the Book of Mormon; that Sidney Rigdon either directly or else indirectly through Parley P. Pratt acted as intermediary, and collaborated with Joseph Smith in the production of the Book of Mormon,—all this, upon which the conclusions of Mr. Schroeder and others who attempted to sustain the Spaulding theory of the origin of the Book of Mormon depends, is but a conglomerate of wicked invention by embittered sectaries fighting against innovation of their orthodoxy; of bitter, personal spite against Joseph Smith and his work; of mere assumption and inference bottomed on flimsiest premises, under which lies a mass of contradictions and conflicting suppositions which discredit the whole theory, and make any serious support of it, however learned in form and exhaustive in appearance it may be, absolutely contemptible; nay, the more learned and exhaustive the treatment appears to be, the more absolute must become the contempt.

THE TASK OF THE PRESENT WRITER.

To prove the things here alleged becomes now the task of the present writer.

33. "Braden-Kelly Debate," pp. 73, 77.

First then as to the matter of Spaulding having rewritten his story, "Manuscript Found;" in which, it is said, he changed the character of it by going further back with his dates, "and writing in the old scripture style, in order that it might appear more ancient." Also he must have further changed the character of his story, giving the colony he brought to America an Israelite instead of a Roman origin, giving his characters the names of Lehi, Nephi, Laman, Moroni, etc.; instead of Sambol, Hambock, Labanko, Moonrod, Ulipoon, etc.; and the names of the people from Sciotans and Kentucks, to Nephites and Lamanites! This second manuscript and these changes are necessary both to the evidence and the argument of Mr. Schroeder—necessary to his whole theory; without the existence of this second manuscript and these changes that differentiate it from the manuscript at Oberlin, his "case" collapses. It is conceded by Mr. Schroeder and all through whose hands it has passed, including Mr. Fairchild, president of the Oberlin College, Ohio, and Mr. Rice among whose papers the manuscript now at Oberlin was found, that this Oberlin manuscript, which beyond any doubt Spaulding wrote, could not have been the original manuscript of the Book of Mormon;³⁴ therefore a second Spaulding manuscript altogether different from this half ribald, silly "Manuscript Found" story must be had; and its mythical existence was brought about in the following manner:

THE ENEMIES OF THE PROPHET.

Living in Kirtland and vicinity, and throughout northeastern Ohio, where the headquarters of the church were established in 1831-7, there were many and very bitter enemies of the prophet Joseph Smith and Sidney Rigdon; and also strong antagonism towards the whole Mormon Church, since its doctrines were regarded as a menace to orthodox opinions. Among these enemies of the prophet and the church none perhaps were more

34. President Fairchild I have already quoted. Mr. Rice says: "I should as soon think the Book of Revelation was written by the author of Don Quixote, as that the writer of this manuscript (the Spaulding Oberlin manuscript) was the author of the Book of Mormon. From a letter of Mr. L. L. Rice to Mr. Joseph Smith, president of the Reorganized Church—"History Church of Jesus Christ," vol. IV, pp. 471-3.

bitter than "Dr." Philastus Hurlburt, E. D. Howe, Adamson Bentley, Onis Clapp (usually called Deacon Clapp) and his two sons, Thomas J. and Mathew S. Clapp, both of whom were Campbellite preachers; Alexander Campbell, Walter Scott, both prominent in founding the sect of the Disciples; Thomas Campbell, Dr. John Storrs, of Holliston, Mass., Dr. Austin, also of Massachusetts, all sectarian ministers, and many others. Less than fifty miles away from Kirtland, then the centre of mormon propaganda, was Conneaut, the former home of Solomon Spaulding, and on the direct line of travel between the branches of the church in Ohio and those in the state of New York and Canada.

It is said, but I shall develop a somewhat different account of the origin of the Spaulding theory near the close of these articles than is here set down, that "a woman preacher"³⁵ of the Mormon Church, holding a public meeting at Conneaut, read some passages from the Book of Mormon which the old settlers of the vicinity, and former neighbors of Solomon Spaulding, recognized as very nearly identical with a manuscript story he had read to them some twenty-two or three years before; and as he had feigned to derive this story from a certain manuscript which he pretended to have found in a stone box in a cave, which he afterwards translated into English, there was thought to be sufficient similarity between these circumstances and the Book of Mormon to warrant the charge that the latter was a plagiarism of Spaulding's manuscript. This conclusion led to the sending of "Dr. Philastus Hurlburt to the widow of Spaulding to obtain his manuscript and incidently to visit the former home of the Smiths' for the purpose of obtaining affidavits respecting their character, and more especially respecting the character of Joseph Smith the Prophet."³⁶ Indeed, the whole purpose of the conspirators was to overthrow mormonism—"to

35. See "Mrs. Davison's statement," first published in the *Boston Recorder*, May, 1839; also Smucker's "History of the Mormons," p. 41 *et seq.* It is claimed that "woman preacher," was merely a "typographical error," of which more in a later note, and should read "Mormon preacher."

36. These are the affidavits collected by Hurlburt and delivered to Howe for his book "Mormonism Unveiled," chapter xvii; see also "Origin of the Spaulding Story," by B. Winchester, (1840) p. 10.

up-root this Mormon fraud."³⁷ Hurlburt presented himself at the home of the former wife and daughter of Spaulding, who were then living in Monson, Mass. He obtained an order from the former Mrs. Spaulding upon those with whom she had left the trunk containing the papers of her late husband, directing them to deliver to Hurlburt the "Manuscript Found." Hurlburt obtained the manuscript and returned to those who sent him upon this mission, chief among whom was E. D. Howe of Painesville, Ohio, the editor of the *Painesville Telegraph*. To Mr. Howe, Hurlburt delivered the "Manuscript Found," obtained by him from the Spaulding papers; but lo! when it came to be examined by the conspiritors, it was a very disappointing document.³⁸ Howe himself describes it as follows:

"This is a romance, purporting to have been translated from the Latin, found in 24 rolls of parchment in a cave, on the banks of Conneaut Creek, but written in modern style, and giving a fabulous account of a ship's being driven upon the American coast, while proceeding from Rome to Britain, a short time previous to the Christian era, this country then being inhabited by indians."³⁹

This description completely identifies this manuscript delivered by Hurlburt to Howe with the one afterwards found in the papers of Mr. L. L. Rice, and now at Oberlin College. "This old manuscript," says Mr. Howe, "has been shown to several of the foreign witnesses, who recognize it as Spaulding's." The witnesses here alluded to are the old neighbors of Spaulding who testify as to the existence of Spaulding's "Manuscript Found," and of its similarity to the Book of Mormon; and they are eight of Mr. Schroeder's twelve witnesses on whom he relies to prove the same allegation. Right here we reach the crucial point in the Spaulding theory of the origin of the Book of Mormon; and now let us present it in one view.

A number of people living at Conneaut on hearing the Book of Mormon read in a public meeting, and some of them after-

37. Statement of Mrs. McKinstry, daughter of Solomon Spaulding, "Scribner's Magazine," August, 1880.

38. "New Light on Mormonism,"—statement of Hurlburt, pp. 245, 260.

39. Howe's "Mormonism Unveiled," p. 288.

wards reading it for themselves, claim a similarity to exist between it and a manuscript which Solomon Spaulding read to them some twenty-two or twenty-three years before. Spaulding's manuscript is unearthed—"Manuscript Found"—but it bears no resemblance to the Book of Mormon! There is "no resemblance between the two," to use the language of President Fairchild, of Oberlin College. "There seems to be no name or incident," he continues, "common to the two."⁴⁰ Now what will the conspirators do? Search further in the hope of finding another manuscript that may have been the origin of the Book of Mormon, if this one is not? It must be admitted that having gone so far in an effort "to up-root this Mormon fraud" it was worth their while to go still further. The "fraud" was making converts throughout the very region where the conspirators lived; some of their loved ones, members of the family of the conspirators, were "victims" of the "delusion." They will not rest the case here, then. They will look further. The emissary just returned, Hurlburt, or some other will be sent back to make further inquiry and research. The fate of millions may depend upon it. But did the conspirators against mormonism take this course? No. Instead of that they resort to subterfuge. Listen: Howe, referring to the manuscript delivered to him by Hurlburt, writes:

"This old manuscript has been shown to several of the foregoing witnesses, who recognize it as Spaulding's, he having told them that he had altered his first plan of writing, by going farther back with dates, and writing in the old scripture style, in order that it might appear more ancient. They say that it bears no resemblance to the 'Manuscript Found.'"⁴¹

That statement bears all the earmarks of an "afterthought," a silly invention. There is not a single scrap of evidence in all that has been written upon the subject, that goes beyond the date of Hurlburt's delivery of "Manuscript Found," to E. D. Howe, to the effect that Spaulding had written more than one paper that purported to deal with a found manuscript, or the

40. Letter of President Fairchild, *Bibliotheca Sacra*, January, 1885.

41. Howe's "Mormonism Unveiled," p. 288.

ancient inhabitants of America. The "Frogs of Wyndham" and infidel disquisitions were more in his line.⁴² Why was it that the neighbors of Spaulding about Conneaut did not say before this manuscript was brought to light by Howe, Hurlburt *et al*, that Spaulding had written several manuscripts on the subject of the ancient inhabitants of America; one that told of a Roman colony that came to America and settled in the Ohio valley, the story of their adventures being "written in modern style;" but that this story he abandoned and wrote another, going farther back with his dates and assigning to the people an Israelitish origin and writing in the old scripture style? How valuable such evidence, ante-dating Hurlburt's coming to Conneaut with Spaulding's manuscript, would be! But it does not exist.

There was enough in the fact that Solomon Spaulding had written a story connected in some way with a manuscript which he feigned to have found in a stone box in a cave; which he further feigned to have translated into English; and which story had something to do with a colony coming in ancient times from the Old World to the New; and that there were great and sanguinary wars in the story—to suggest a similarity with the Book of Mormon. With so much as a basis it will go hard with human invention, under the circumstances, if out of the dim recollections, of some twenty-two or twenty-three years ago, it cannot "remember" that there was a similarity and even identity of names between those of Spaulding's Manuscript and those of the Book of Mormon. Especially since the Book of Mormon is now in their hands, and they have either read it, or heard it read and have the names of Lehi, Nephi, Moroni, Zarahemla, and some phrases such as "and it came to pass," etc., with which to refresh their "memories!"

And when they have Spaulding's found manuscript, or "Manuscript Found" placed in their hands by Hurlburt, and have identified it as Spaulding's and none of these things are true respecting it, that is, there is "no resemblance between the two, in general or in detail; * * * * * no name or incident common to the two," then it will again go hard with human in-

42. See Mrs. McKinstry's statement, *Scribner's Magazine*, August, 1880. Also *Deseret News* print of "Manuscript Found," pp. 114, 115, where the infidel opinions of Mr. Spaulding are expressed.

vention if it cannot, under the circumstance, "remember" that this manuscript so thrust into their hands is merely but the rough draft of the real "Manuscript Found;" that this story, in fact was abandoned and Mr. Spaulding informed them that he had recast his whole scheme;⁴³ and that he wrote into this second story the names and historical incidents now found in the Book of Mormon; that no one ever believed that this first effort of Spaulding's the Manuscript now at Oberlin College, was the foundation of the Book of Mormon. Mr. Schroeder himself says that "from the beginning it was asserted that this manuscript, now at Oberlin, was not the one from which the Book of Mormon was alleged to have been plagiarized."⁴⁴ But from what "beginning" was it so asserted? Well, not previous to the bringing to light of the Oberlin manuscript by Hurlburt; but from the time that this manuscript,—the only one we have any real knowledge of Spaulding ever having written on the subject of the ancient inhabitants of America—disappointed the hopes of the conspirators against Mormonism. That is the only "beginning" from which it has been asserted that the manuscript now at Oberlin was not the one from which the Book of Mormon was alleged to have been plagiarized.

The foregoing boldly charges dishonesty, fraudulent invention, and conscious deception upon those who originated this Spaulding theory of the origin of the Book of Mormon; and I realize that it is incumbent upon me to set forth substantial reasons for such allegations, or else I must bear the odium of making false, or at the very least, unproved charges. Let us then consider, if not all, at least the leading characters of this conspiracy against the Mormon Church, for it will be worth our while.

"DR." PHILASTUS HURLBURT.

We start with "Dr." Philastus Hurlburt. He was not a "Doctor" by profession, but being a seventh son, his parents, following the old folk-lore custom, called him "Doctor." He

43. Howe's "Mormonism Unveiled," p. 288.

44. *American Historical Magazine*, vol. 1, No. 5, p. 385.

was formerly a member of the Methodist Church from which he was excluded for imoralities. He appeared in Kirtland in 1833 and began an investigation of Mormonism, and finally claimed to be satisfied of its truth. Joseph E. Johnson, residing at Kirtland at the time, and at whose mother's home Hurlburt boarded for about one year, describes him as "a man of fine physique, very pompous, good looking, very ambitious, with some energy, though of poor education."⁴⁵ Sometime after he joined the church he was brought before a conference of high-priests in Kirtland and charged with unchristian-like conduct with women, while on a mission to the eastern states. His commission as an elder was taken from him and he was excommunicated. Being dissatisfied with the result of this trial he appealed his case to the high council at Kirtland, and a hearing was granted him. He confessed his sin before this council and was forgiven; but a few days after this action, he boasted that he had deceived the council in his confession, "and Joseph Smith's God," and this led to his final excommunication.⁴⁶

After his excommunication "Dr." Hurlburt became very bitter against the church, and threatened the prophet's life. He was finally arraigned before the court at Chardon, for this offense and placed under bonds to the amount of two hundred dollars "to keep the peace, and, be of good behavior to the citizens of the state of Ohio generally, and to Joseph Smith, Jun., in particular, for the period of six months." He was also required to pay the costs of the prosecution which amounted to one hundred and twelve dollars.⁴⁷ When it is remembered how great the excitement was at this time in north-eastern Ohio, respecting Mormonism, how numerous and how bitter were Joseph Smith's enemies, this decision of Judge M. Birchard is important in showing how violent and vicious must have been the character of "Dr." Hurlburt. Yet he becomes the special emissary of the conspirators of north-eastern Ohio, against Mormonism. He is commissioned to secure Spaulding's manu-

45. *Deseret Evening News*, December 28, 1880; also "History of the Church," vol. 1, p. 355, note. Also Gregg's "Prophet of Palmyra," pp. 427-430.

46. "History of the Church," vol. 1, pp. 354-5 and note.

47. "History of the Church," vol. 11, pp. 47-49 and notes.

script and gather information in New York concerning the character of Joseph Smith,⁴⁸ the man whom he so bitterly hates, and whose life he had threatened. And the world is asked to form its opinion of Joseph Smith from the alleged information procured in New York by this man, and published in Howe's "Mormonism Unveiled," in the form of affidavits!

Even some who are parties to the Spaulding theory distrusted Hurlburt. Mrs. Davidson, formerly Spaulding's wife, "did not like his appearance, and mistrusted his motives," and it was only because he presented a letter from her brother, William H. Sabine, urging her to loan her former husband's manuscript story to Hurlburt, that she finally, but reluctantly, consented for him to have the paper.⁴⁹ Mrs. Ellen Dickinson, grand-niece of Solomon Spaulding, and author of "New Light on Mormonism," charges him with having betrayed his fellow conspirators in Ohio, by securing the "real" "Manuscript Found" and turning it over to the Mormons for a price, and that they destroyed it.⁵⁰ Clark Braden in his debate on the Book of Mormon with E. L. Kelly, makes the same charge, and says that Hurlburt got \$400.00 for his treachery and boasted of it.⁵¹

Mr. E. D. Howe, author of the first anti-Mormon book of any very great pretensions or general interest—and of which Mr. Schroeder is so eulogistic, speaking of it as "the most important single collection of original evidence ever made upon the subject"—was the editor of the *Painesville Telegraph*, and especially bitter towards the Mormons and Mormonism, because his own wife and sister had joined the Mormon Church, at which he was greatly incensed.⁵²

48. "Origin of the Spaulding Story," by B. Winchester, Philadelphia, (1840) p. 10, "Mormonism Unveiled," chapter xvii. These affidavits gathered up by Hurlburt are quoted by nearly every anti-mormon writer since 1834, until now, the year of grace, 1908; all forgetful of the fact that no matter how many mirrors are brought into a room where a farthing rush light is burning, they do not increase the light burning there, but merely reflect it. It is safe to say that since Howe's publication of "Mormonism Unveiled," in 1834, little or nothing has been added to the stock of "information," from the anti-Mormon side of the controversy.

49. Mrs. McKinstry's statement, *Scribner's Magazine*, August 1880.

50. "New Light on Mormonism," pp. 62-71.

51. "Braden-Kelly Debate," p. 96. Braden relies upon the statement of Rev. John A. Clark, D. D., in "Gleanings by the Way," p. 265.

52. "Braden-Kelly Debate," pp. 69, 81. See also the Advertisement of Howe's "Mormonism Unveiled,"—which precedes the Introduction. Also the Introduction of the same work, for manifestation of bitterness.

REV. ADAMSON BENTLEY ET AL.

Adamson Bentley was a Campbellite preacher, also, a brother-in-law to Sidney Rigdon, having married Rigdon's wife's sister. It appears that the parents of Mrs. Rigdon had settled upon her, or expressed intention of doing so, some considerable property; but the Rev. Bentley, by his influence with the Brooke family, diverted the inheritance designed for Mrs. Rigdon to his own wife;⁵³ so that in addition to the bitterness which ever attends on sectarian controversies, there must be added in the case of Mr. Bentley the bitterness of family feud; and if the claim of Sidney Rigdon be true, *viz.*, that he was the injured party, in this controversy, there would be intensity of bitterness on the part of Bentley, since it is strangely true that men may forgive those who injure them, but they never forgive the innocence of those whom they wilfully injure. The Reverend Bentley was one of the bitterest of anti-Mormons and a warm supporter and advocate of the Spaulding theory of the origin of the Book of Mormon.⁵⁴ Of Mr. Alexander Campbell, Dr. Storrs and Dr. Austin we shall have occasion to speak later, when considering certain evidence Mr. Schroeder introduces from them. The point now contended for respecting these men who stand as sponsors for the Spaulding theory of the origin of the Book of Mormon, is simply this, that being ardent sectarian priests zealous for their particular brand of orthodoxy, which Mormonism opposed as false doctrine;⁵⁵ and adding to this cause of bitterness the further fact that in some instances these men felt the sense of personal grievance against Joseph Smith and the Mormon Church—renders them incompetent to be reliable witnesses on the questions at issue. All history, and the well known facts respecting human nature, warrant the conclusion that under such circumstances sectaries in support of their orthodoxy, and by way of reprisal for wrongs, real or imaginary,

53. *Messenger and Advocate*, p. 334-5. Also *Evening and Morning Star*, p. 301.

54. See *Millennial Harbinger*, for 1844, p. 38, *et seq.* Also "Braden-Kelly Debate," pp. 124-5.

55. "Pearl of Great Price," "Writings of Joseph Smith," p. 85, (edition of 1902); also "History of the Church," vol. 1, pp. 5, 6. For an exposition and defense of this position see the present writer's "Defense of the Faith and the Saints," p. 26-27 and note.

will stoop to invention of adverse testimony; to misrepresentation; to the creation of a case, or a hurtful theory; will distort facts, in a word will bear false witness. Such false or incompetent witnesses I declare, those parties to be on whom Mr. Schroeder relies for the support of his case.

Let us take first this group of Conneaut witnesses, eight of them, used by Hurlburt, Howe, Bentley, *et al.*, and chiefly relied upon by Mr. Schroeder as supplying the "clinching"⁵⁶ evidence for the plagiarism of Spaulding's "Manuscript Found" by the author or authors of the Book of Mormon. They are the most important witnesses on the side of the Spaulding theory of the origin of the Book of Mormon; yet, by the application of the principle that recognizes the untrustworthiness of witnesses interested in opposing religious innovation; that recognizes the zeal of witnesses interested in supporting orthodoxy; that recognizes the bitterness which characterizes sectarian strife; as also the necessary vagueness of the state of mind of these witnesses in respect of those things of which they testify; as also by the consideration of many other things that will bear upon their statements—for the evidence and argument is to be cumulative—I hope to prove quite conclusively that these witnesses are incompetent, and their statements untrue.

56. See heading in "American Historical Magazine," vol. 11, No. 1, p. 70 *et seq.*
(*To be Continued*).



POPPLER PLAN OF NEW YORK AND ITS ENVIRONS, 1733.

A HISTORY OF SLAVERY

BY SALLIE R. MC LEAN

IN the January, 1909, number of the AMERICAN HISTORICAL MAGAZINE will be the first chapters of one of the most valuable historical publications that has appeared in the American magazine press for many years. This will be a complete history of slavery, as it has existed in the United States. It will be from the pen of Sallie R. McLean, whose contributions to this magazine and to other historical periodicals have given her a recognized position among native historical writers.

In the first installment of this series of papers, Mrs. McLean will present an introduction treating briefly of the subject of slavery from the world point of view. She will review the origin of slavery and present many interesting facts concerning the slavery of white peoples by those of the same and other nationalities, and also the slavery of other races, such as the white slaves of the colored races and the colored slaves of the white races. With this brief explanatory introduction leading up to the main subject the history of white slavery in the American colonies will be taken up. Then the beginning of African slavery in these colonies will be related, the cause of its installation and the different phases of its development being carefully set forth and explained.

Following will be a consideration of the extent and status of slavery at the time of the Declaration of Independence, and the attitude of the leaders of the American Revolution in regard to it at that date, and, subsequently, their opinions and conclusions as voiced in the constitutional convention. Connected with this part of the subject will be a careful, soundly studied and exhaustive review of public opinion in the north and in the south regarding slavery at the close of the Revolution and the causes of the change of views that came about in those two sections will be presented.

Then will come full consideration and explanation of the action of the various states on the slavery question and the introduction of the subject into national legislation. From that point onward, in successive numbers of the magazine, the subject will be treated most completely and in a scholarly manner in all its different phases and brought down to the present day.



UNCLE SAM. "Hello! Ben, is that you? Glad to see you!"
BENJAMIN. "Yes, Uncle Sam. Got through with that New Orleans job. Cleaned them
out and scribbled them up! Any more scribbling to give me?"

POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY 1801-1835.

BY DON ENSMINGER MOWRY

VII—COHENS v VIRGINIA 1821

IT would seem, from a careful observation, that the senate was not hostile to the judiciary in 1821. In this year we have a step taken, on the part of the judiciary committee of the senate, to confer upon the judiciary the extended power of appellate jurisdiction in criminal cases.¹ Previous to this time, the national machinery had refused to extend the department. This action was looked upon then, as the future has since confirmed, as an indication that the prestige of the tribunal was growing. Indeed, all subsequent decisions have given evidence of the fact.

The facts in this case of *Cohens v Virginia*,² were, briefly stated, as follows: P. J. Cohen and M. J. Cohen were vending and selling tickets for the national lottery in Virginia. Tickets for a lottery, not authorized by the laws of the commonwealth, could not be sold in the state. The Cohens were tried and convicted. A writ of error followed, and the case was brought up in the United States courts.

The vital question which confronted the court was whether the court could exercise jurisdiction where one party was the state and the other a citizen; and whether in the exercise of its appellate jurisdiction it could revise the judgment of a state court, in a case arising under the constitution, laws, and treaties of the United States.

It was contended that as the State of Virginia was a party to the suit, a writ of error could not lie to the state court of the last resort; although the federal question was involved,

1. "Annals of Congress:" Vol. 37, p. 377.

2. "Reports of the Supreme Court" by Henry Wheaton; Vol. 6, p. 377.

because this was a suit against a state within the meaning of the eleventh amendment. The supreme court held that it had jurisdiction upon the clause extending its jurisdiction to all cases "arising under the constitution, the laws of the United States and treaties made under their authority," and that a writ of error was not a suit, but was merely the continuation of a suit already begun. The active opposition to the intervention of the supreme court, was an attempt to build up, in the eyes of the South, a further belief in reserved state rights. "Consider the danger that will result if too much final power is given to the judges."³

President Monroe said:

"It is impossible to have created a power within the government or any other power distinct from congress and the executive which should control the movements of the government.⁴ * * * Nor do I believe that congress, even seconded by the judiciary power, can, without some change in the character of the nation succeed in durable violation of the rights and authorities of the States.⁵ The responsibility of one branch to the people, and of the other branch to the legislature of the states, seems to be, in the present stage, at least, of our political history, an adequate barrier. * * * There is nothing, therefore, to discourage a development of the doctrine they may contain or tendencies they may threaten. Congress, if convinced of these, may not only abstain from the exercise of powers claimed for them, by the court, but may find the means of controlling those claimed by the courts itself."⁶

A radical southern review says:

"If the constitution contemplated to give the appellate jurisdiction contended for, Congress ought to arm the supreme tribunal with all the powers of *compulsion* and *restrictive process*, warranted by the principles and usages of the law."⁷

Was there not a germ of dissolution in the federal judiciary? Would the judiciary ultimately usurp legislation? This was a belief held by the southern Republicans.

3. "Works of Thomas Jefferson," Vol. 10, p. 160.

4. "Messages and Papers of the Presidents" by T. D. Richardson, Vol. 2, p. 166. Argument used in discussing appropriations for internal improvements.

5. "Works of Thomas Jefferson," Vol. 4, p. 219.

6. "Works of Thomas Jefferson," Vol. 3, p. 226.

7. *Southern Review*, Vol. 7, p. 452.

In rendering his decision, Chief Justice Marshall said:

“The question presented to the court by the first two points made at the bar are of great magnitude, and may be truly said to vitally affect the Union. They exclude the inquiry whether the constitution and laws of the United States have been violated by the judgement which the plaintiffs in error seek to review; and maintain that, admitting such violation, it is not in the power of the government to apply a corrective. They maintain that the nation does not possess a department capable of restricting, peaceably, and by authority of law, any attempts which may be made a part against the legitimate powers of the whole; and that the government is reduced to the alternative of submitting to such attempts, or of resisting them by force. They maintain that the constitution of the United States has provided no tribunal for the final construction of itself, or of the laws or treaties of the nation; but that this power may be exercised in the last resort by the courts of every state in the Union. That the constitution, laws, and treaties, may receive as many constructions as there are states; and that this is not a mischief, or if mischief, is irremediable. These abstract propositions are to be determined, for he who demands decision without permitting inquiry, affirms that the decision he asks does not depend on inquiry. If such be the constitution, it is the duty of the court to bow with respectful submission to its provisions. If such be not the constitution, it is equally the duty of this court to say so; and to perform that task which the American people have assigned to the judicial department.”⁸

But the southern men insisted upon their pet ideas. Could any good be expected by taking from the state the moral rule of their citizens and subordinating it to the general government? Was not the judiciary hunting after possible constructions and hanging inference on inference? Laws! Were they not made for men of ordinary understanding? Should they be construed by a select few? Such were the southern contentions, not over aggressive, but firm, and furnishing a foundation for the amplification of the theory even beyond radical limitations.

8. “Reports of the Supreme Court” by Henry Wheaton, Vol. 6, p. 377.

VIII—JUDICIAL DECISIONS AFTER 1824

The case of *Gibbons v Ogden*,⁹ which was brought up for trial in 1824, asserted the exclusive power of the Union to regulate trade and commerce. The federal assertion, which denied that New York had any right to grant exclusive privileges for steamer operations between New York and New Jersey ports, was important, in that the North came to look upon the judiciary in a different light. Yet the political results of this decision were not exceptionally marked. The strong states-rights doctrine was used in the argument, but no radical stand was taken. The universally acknowledged power of the government to impose its restrictions was only contested in a technical manner for purposes of defence.

In delivering the opinion of the court, the chief justice said:

“The enlightened patriots who framed our constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what the law said. If from the imperfection of human language, there should be serious doubts respecting the extent of any given law, it is a well-settled rule that the object for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. * * * We know of no rule for construing the extent of powers, other than is given by the language of the instrument which confirms them, taken in connection with the purposes for which they were conferred.”¹⁰

A question arose, in the case of *Brown v Maryland*,¹¹ as to whether an importer of foreign articles must take out a license from a state before he could be permitted to sell in that state. The constitution states that no state shall, without consent of Congress, levy imposts, or duties, or imports, or exports, except those absolutely necessary for the exercise of its inspection laws. Congress is to have power to regulate commerce with foreign nations, and among the several states.. What right,

9. “Reports of the Supreme Court” by Henry Wheaton, Vol. 9, p. 3.

10. “Reports of the Supreme Court” by Henry Wheaton, Vol. 9, pp. 188-189.

11. “Reports of the Supreme Court” by Henry Wheaton, vol. 12, pp. 419-460. Date 1827.

then, had a state to prohibit or check, the importation from abroad of foreign goods, when the regulations of Congress place no such restrictions?

The question involved the constitutionality of the state law passed in 1821,¹² which required all importers of foreign merchandize to take out an annual license. It was contended on behalf of the State,¹³ that while the general government ought to be recognized, there must be a point when such prohibition ceased and the power of the state commences. This case¹⁴ was but another attempt to assert the southern belief. And the failure in this instance only added another coal to the southern political furnace which was to blaze forth in reddening heat in 1830.

In the case of *Craig et al v the State of Missouri*,¹⁵ the court was called upon, for the first time, to determine what constituted a bill of credit, within the meaning of the constitution. An act of the state of Missouri, establishing loan offices and authorizing them to issue certificates of stock, was declared void. It was considered repugnant to that clause of the constitution which prohibits the state from emitting bills of credit. This blow was a direct slap at the Bank.

IX—TENDENCIES

With the period opening with 1824, there was an unusual amount of hostility to the judiciary. The new parties were beginning to exact political measures, and take active and aggressive stands. Around the judiciary centered much debate, and the general interpretations were hostile to those held by the court.

When it was proposed in the senate, by Mr. Johnson of Kentucky, during the first session of the eighteenth Congress, to increase the circuit system to all western states, thereby making an important connection between the Supreme court and those of the several District courts, there was a deal of decided

12. The New York Review, vol. 2, p. 397.

13. See McClain, Cases p. 303.

14. See New York Review for treatment of principle cases during this period, vol. 2, p. 372 *et seq.*

15. "Reports of the Supreme Court" by Richard Peters, vol. 4, p. 410.

opposition. Mr. Van Buren was against any such plan and remarked that the proper administration of justice called loudly for some change.¹⁶

During the same session Mr. Wickliffe offered a resolution in the House which had for its purpose the repeal of the twenty-fifth section of the judiciary act 1789. According to his idea, the power given the Supreme court of the United States court to reverse decisions of the supreme court of the State, was a dangerous one.¹⁷

The effort in the house, in January, 1827, to amend the judiciary laws so that a decision of the majority of the judges of the supreme court would be sufficient to make any law valid, was but an indication of the trend of political forethought. It would seem that conservative statesmen recognized the pre-eminence of the judiciary, yet wished to control its decisions without seeming to do so. The primary object was to exalt the courts and enable the majority to govern respecting the validity of the state laws.¹⁸

“The power which it (the principle of declaring acts void) implies is one of great magnitude and most extensive in operation; embracing within its comprehensive grasp the authority to nullify the legislative acts of the Union, and of the states individually, and even the most solemn of all acts—the expression of the will of the sovereign people of the states, in the form of their written constitutions’”¹⁹

It was held that the concurrence of three judges could nullify a state law. The minority might thus entertain views different from the majority. This agitation became more than passing. Mr. Davis, of South Carolina, was eager to amend the judiciary act in order to prevent the court from rendering political decisions. He says:

“The supreme court claims virtually the right, under the constitution, to pronounce political judgment, and asserts the

16. Annals of Congress, vol. 41, p. 575.

17. Annals of Congress, vol. 41, p. 915.

18. Congressional Debates, vol. 1, p. 366.

19. Niles' Weekly Register, vol. 35, p. 337.

power, under the judiciary act, of carrying them into execution, by coercing sovereign states.'²⁰

But where was a division to be made between political laws and civil judgment? Undoubtedly such a division was intended in the constitution, but where was it? The question was not a new one, but was now of vital import to the South. "The Federalist" of 1789-1799 asserted that the federal court was the tribunal of last resort, established by the constitution, to determine questions of controversy. Virginia²¹ and Pennsylvania²² denies the appellate power of the national judiciary in the state. But even in making this liberal assertion, where was there any distinct line of demarkation? The conservative endeavor, during the same session, to increase the membership of the judiciary to ten, is now regarded only as a preventative measure, aiming primarily at judicial control.²³ A radical step was taken in the House, in 1827, when a bill was proposed which had for its ultimate object the restriction of the freedom of the supreme tribunal. The bill desired to enforce uniformity of opinion upon great constitutional questions.²⁴

We can safely say that one of the great causes which aided in bringing about the election of Jackson was his interpretation of Marshall's bank decision. The Whig party²⁵ dreaded the rule of ignorant and violent military chieftains, but the agricultural sections of the west and south were swayed by the advocacy of a "popular candidate."²⁶

The opinion was that it had been the passion of the modern judges to depart from the simplicity of practice, so characteristic of the very early decisions. It was a belief that in no country had a departure been made that was more bold or pernicious than in the United States. Even in the political history of England, where the spirit of parties had sometimes raged with the most dreadful consequences, it was difficult to trace

20. Niles' Weekly Register, vol. 39, p. 413.

21. Niles' Weekly Register, vol. 39, p. 416.

22. "Life and Writings of A. G. Dallas" by G. M. Dallas, vol. 3, p. 473.

23. Congressional Debates, part I, vol. 2, p. 825.

24. Congressional Debates, vol. 3, p. 775.

25. Were the National Republicans of Jefferson's time.

26. "Henry Clay" by Carl Schurz, vol. 1, p. 320.

any instance to countenance the political declarations, the party invectives, which had recently become a sort of prelude to the commencement of every session of the court of justice.²⁷

The *Southern Review* shows the feeling of the South on the questions of the day.

“The federal government is obviously the result of a compact, to which there are no parties but sovereign states. But no one will deny that *quoad* any controversy which may arise between one state and the other, the federal government is not only a party, but also an efficient party. It has attempted to extend (through the judiciary) its own jurisdiction, to assume authority, and to trespass on those prerogatives which the States never surrender.²⁸ * * * In the questions which may arise, relative to the power of the federal government, it is impossible not to perceive that they (courts) are the tribunals of one party, organized, appointed, paid, receiving rank, distinction, and the means of reputation.”²⁹

The influence, it was believed, which they asserted, extended with the magnitude of their powers, and they must be more than men to resist the temptations that pressed upon them.

“That the lights of an unclouded judgment in the Supreme court, have not been visible, under any circumstances, when the powers of the Federal government have been drawn into question, is a truth amply attested by the records of our judicial history.”³⁰

It is a fact worth noting that by 1830, John Marshall stood practically alone in the judiciary. His associates had held views more or less liberal and broad like his own. But when they passed away, Republican presidents appointed men who held opinions averse to his own.³¹

X—SOUTHERN RESISTANCE TO THE JUDICIARY

The South clearly saw that the judiciary was determined to oppose their interpretations of the constitution.³² The men of

27. “Life and Writings of A. J. Dallas” by G. M. Dallas, p. 82.

28. The *Southern Review*, vol. 6, p. 429.

29. The *Southern Review*, vol. 6, p. 430.

30. The *Democratic Review*, vol. 6, p. 433.

31. “The Constitutional History of the United States by F. N. Thorpe, vol. 2, p. 458.

32. “History of the Federal Government” by A. Bradford, p. 313.

political power in the South believed that the northern *chefs de parti* were instrumental in bringing about decisions where the party in power was chiefly concerned. They held that the independency of the state courts was essential to state sovereignty.³³ There is little doubt, that, when the case of the Cherokee Nation v Georgia³⁴ was brought up for final consideration in 1831, that the southern feeling was thoroughly aroused.

It appears that the Georgia legislature had passed a series of acts which had for their ultimate purpose the annihilation of the Cherokees as a factor in Georgian society. The aim of the legislature was to seize their lands and appropriate them to state uses. By a solemn treaty these lands in dispute had been guaranteed to the Indians by the United States. An appeal was made, therefore, to the United States court.

The South contended, according to current literature of the day, that New York was constantly carrying her Indians to Green Bay, in Wisconsin, and that Georgia was not the only state that had attempted to govern her Indians.³⁵ Yet this argument was decidedly weak, and deserves but passing notice. Public opinion, and the aid of the executive, was all that was essential to overthrow the Supreme court.³⁶ The hostile attitude of President Jackson, toward the Indians, made this step possible. A far stronger contention was that respecting the independence of the judiciary. A typical southern expression appeared in *The Southern Review*. It reads:

"Who would not prefer that injustice should be occasionally done to our citizens, through ignorance or the corruption of our judges, than to see humbled to the dust, the independence of the state judiciary, without which, it is impossible that there can be state sovereignty or any security that the federal compact shall be preserved."³⁷

In 1799, Madison had been in full sympathy with this movement, and referred to the alien and sedition³⁸ laws as "sanction-

33. *The Southern Review*, vol. 6, p. 452.

34. "Reports of the Supreme Court" by Richard Peters, vol. 5, p. 1.

35. *Niles' Weekly Register*, vol. 39, p. 701.

36. *Niles' Weekly Register*, vol. 38, p. 101.

37. *Niles' Weekly Register*, vol. 6, p. 475.

38. See former treatment of the Judiciary. *American Historical Magazine*, January, 1908, vol. III, pp. 83-97.

ing dangerous powers beyond the grant of the constitution.” Now he upheld the judiciary and considered the court as the only supreme judge. This changed attitude aroused some expression of disapproval. Yet Madison and his school believed in a limited sovereignty. They were not of the fire-eating Georgia type. His belief was simply this:

“Those who have denied or doubted the supremacy of the judicial power of the United States, and denounce at the same time a nullifying power in a state, seem not to have sufficiently adverted to the utter inefficiency of a supremacy in the law of the land.”³⁹

An interesting opinion was held by the governor of Georgia, George M. Troup. In the *Georgia Journal* for March 15, 1832, he is quoted as saying “The judges know you will not yield obedience to mandates, and they may desire pretexts for the enforcement of them, which I trust you will not give.”⁴⁰

It was argued on behalf of the Indians that the tribe was a foreign state, not owing allegiance to the United States; not to any state of the Union; nor to any prince, potentate, or state other than their own. Had not the nation established a constitution? A treaty had been made with the United States. Were not treaties the supreme law of the land? Did not the president have power to protect the nation against the laws of Georgia? It was clear that, in the opinion of the court, it was stated that the extension of the laws of Georgia over the Cherokee territory were valid and constitutional. This one case had been thrown out of court because no standing in court could be conceded to the plaintiffs. The decision was against the Cherokee Nation for the time being; but it did not necessarily follow that a subsequent decision would bear out the claims of the State of Georgia.⁴¹

Georgia took active steps to drive out of the Cherokee territory all whites who were there as traders or missionaries. Two missionaries,⁴² who refused to leave the territory, were arrested,

39. Pamphlets on state rights, in the Wisconsin Miscellaneous Collection.

40. Niles' Weekly Register, vol. 42, p. 78.

41. Georgia State Rights, p. 78.

42. They were Worcester and Thompson.

tried and condemned to four years of hard labor in the state penitentiary. A writ of error from the supreme court in 1832, secured their release, and the law that convicted them was held to be unconstitutional.⁴³ This was, to the South, but *un coup de partie*. Their state rights were seriously threatened. Even Jackson gave his opinion that Georgia was justified in her action. Wilson Lumpkin, the governor of Georgia, had made up his mind, on coming to office, to uphold the sovereign power of the state, and as a result the decision in this case was virtually disobeyed. In a message he says:

“In exercising the duties of that department of the government which devolves upon me, I will disregard all unconstitutional requisitions, of whatever character or origin they may be, and to the best of my abilities, will protect and defend the rights of the state, and use means afforded me to maintain its laws and constitution.”

The refusal of the president to aid the judiciary in this matter was an unfortunate thing for the department. The victory for Georgia seemed complete. The opponents of the administration felt that Jackson had taken the stand he did in order to curry favor in the South. In this connection, the sentiment that was opposed to Jackson was working to extend the powers of the judiciary. If greater power could be given to the department, it could act independent of the president.

In this connection John Quincy Adams says: “The Union is in most imminent danger of dissolution, from the old inherent vice of confederacies, anarchy in the member.”⁴⁴ In speaking of the fact that the governor of Georgia refused obedience to the laws of the United States, he continues:

“Is there any remedy for this state of things? None. Because the executive of the United States is in league with the state of Georgia. He will not take care that the laws be faithfully executed. A majority of both houses of congress sustain him in this neglect and violation of his duty. There is no harmony in the government of the Union. * * * As the exec-

43. Niles' Weekly Register, vol. 41, p. 174. Case of Butler vs. Georgia similar.

44. "Memoirs of J. Q. Adams" by C. F. Adams, vol. 8, p. 263.

utive and legislative fail to sustain the judiciary, it is not improbable that occasions may arise in which the judiciary will fail in turn to sustain them."⁴⁵

The Jacksonian theory degraded representative institutions, yet secured the re-election of Jackson in 1832. It seemed at first that President Jackson was hostile to the construction of the constitution which seemed to encroach upon the states rights. We have seen that Jackson encouraged the encroachments of the states on the federal government, and openly defied the authority of the supreme court. He endeavored, in a word, to "bring back the constitution to the embeccility of the old confederation."⁴⁶ But the southern nullifiers found that they too could not rely upon him. In an early message to Congress,⁴⁷ he indicated that the south must be considered a part of the Union, regardless of sectional differences.⁴⁸

The active stand on the part of South Carolina, to assert her independence of the national government, i. e. her nullification theory, brought out an expression from Jackson, indicative of his independent attitude on all matters relating to the government.

"I consider the power to amend a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was founded."⁴⁹

Jackson doubtless saw the necessity of checking the new political theory,⁵⁰ and it would never have attained to the power it possessed in 1832 if the president had enforced former judicial decisions.

The whole South was dissatisfied with the tariff of 1828, and frantic with that of 1832. Only in South Carolina, however, was there an open expression of discontent. Her activity made

45. "Memoirs of J. Q. Adams" by C. F. Adams, vol. 8, p. 263.

46. "The Administration of Jackson," p. 76.

47. January 16, 1833.

48. Congressional Debates, vol. 9, p. 145.

49. Andrew Jackson, by W. G. Summer, p. 483.

50. Niles' Weekly Register, vol. 43, p. 317.

the other states of the South see the situation in a similar light, and every state joined in a protest. Jackson attempted to assert that the constitutionality of the tariff was to be properly dictated by the supreme court. This was a departure from his former treatment of the judiciary, but the expedient seemed necessary to him at this time. Jackson may have referred the South to the judiciary in order to deaden the effect of his part in the Cherokee affair.

The southern sentiment was strongly in favor of open resistance to the federal government. The papers asserted that, in the present controversy between the United States and the nullification party in South Carolina, they would never submit to the use of force to compel them to obey the dictation of the government of the United States.⁵¹ The *Augusta Chronicle* says: "General Jackson is therefore warned not to rely upon Georgia for any assistance against South Carolina."

In 1832, in his veto of the bill for the renewal of the charter of the Bank of the United States, Jackson took a position which was directly opposed to the existing system, and asserted his right to disapprove of the bank, despite the fact that the supreme court had held that the bank charter was constitutional. The open defiance of the judiciary, on the part of the president, was not out of accord with his general attitude on other matters of government. His treatment of the department, in the southern disputes, showed a decided lack of principle and judgment. If Andrew Jackson had not defied the new political ideas of the South, some excuse might have been offered for his position. But to openly defy the judiciary, together with the South, was indicative of his independent character, to say the least.

In speaking of the veto on the Bank bill, Webster says:

"It is true that each branch of the legislature has an undisputed right, in the exercise of its functions, and to consider the constitutionality of a law proposed to be passed. This is naturally a part of its duty, and neither branch can be compelled to pass any law, or any other act, which it deems to be beyond the reach of its constitutional power. The president has the same

51. "The Sectional Struggles," by C. W. Hassis; see for best general treatment.

right when a bill is presented for his approval; for he is, doubtless, bound to consider in all cases, whether such will be compatible with the constitution, and whether he can approve it consistently with his oath of office. But when a law has been passed by congress, and approved by the president, the courts alone can decide upon the constitutionality of that law."⁵²

The opinion of the president was as follows:

"If the opinion of the Supreme court covered the whole ground of this act, it ought not to control the co-ordinate authority of the government. The congress, the executive, and the courts, must each for itself be guided by its own opinion of the constitution."⁵³

A step which caused the government to pause and compromise was the general idea which can best be expressed by the words of Calhoun.

"The right of the state is not to resume delegated powers, but to prevent the reserved powers from being assumed by the government."⁵⁴

According to Calhoun's theory there was no power which was doing more to aid the Jackson Democrats than the judiciary. He says:

"The supreme court is as much the creature of a majority as congress itself, and the very object of nullification is to resist the encroachments of the tyrant majority. The supreme court is already committed to the side of the stronger, to which stronger the judges owe their offices, and therefore, cannot justly be allowed a voice in the matter."⁵⁵

The *Democratic Review* reiterated the southern feeling.

"From the personal training of American judges, and the nature of American institutions, our courts have become so political, as to deem *meus* and *tuum* subordinate if not irksome

52. Benton's Abridgement, vol. 11, p. 518 and the American Law Review, vol. 19, p. 196.

53. "A Compilation of the Messages and Papers of the Presidents, 1789-1897" by T. D. Richardson, vol. 2, p. 582; also "The Jacksonian Epoch" by C. H. Peck, p. 187.

54. "Works of J. C. Calhoun" by R. K. Cralle, vol. 6, p. 177.

55. "Life of Andrew Jackson" by J. Parton, p. 434.

matters, while the delight and glory of the supreme court has been, fomented by ardent advocates, surrounded by brilliant auditors, to pass upon the laws and rights, the interests and liberties, of sovereign states; to sit in judgment upon the acts of presidents and governors, charters of banks and universities, treaties, creation, existence, intercourse of nations, rights of war, and other such ambitious topics, seldom elsewhere the province of jurisdiction; not only to interpret and enforce laws, but to annul them.⁵⁶

XI—CONCLUSION

There can be no doubt that, at the conclusion of John Marshall's chief justiceship, the national judiciary had made for itself a reputation which was eventually to free the department from political entanglements. While the then current opinion with reference to the department fails to bear out this contention, the fact still remains. The judgments of Marshall, so convincing, so full of wisdom, have remained unchanged, unquestioned, unchallenged. The idea of a national tribunal, independent in and of itself, was a departure inconceivable to our early politicians. It was not until after the second war with England that any prestige was definitely attached to the department. But the over-importance of political machinery, in shaping doctrines of party concern, made the judiciary a potent fact in every campaign. If another than Jackson had controlled our government from 1829 to 1836, the department would have been placed upon an independent basis at the conclusion of that period.

John Marshall, to use his own words, "never sought to enlarge the judicial power beyond its proper bounds, nor feared to carry it to the fullest extent that duty required."⁵⁷

It was his disposition and tendency to preserve that which was established, which made all subsequent labors of that high tribunal, on the subject of constitutional law, directly in conformity with his beliefs. If, perchance, the constitution should perish, John Marshall's decisions would still remain to display to

56. *The Democratic Review*, vol. 1, p. 140.

57. "John Marshall" by J. B. Thayer, p. 106.

the world the principles upon which they arose, and by the disregard of which the constitution fell.

“The constitution seemed not so much to rise under his hands to its full stature, as to be gradually unveiled by him till it stood revealed in the harmonious perfection of the form which its framers had designed.”⁵⁸

The period from 1801 to 1835 was one of intense political feeling. It may be called the period of the formation of political parties upon a modern basis. True it is that throughout the entire epoch political and party machinery was taking definite shape. In the light of this fact, it does not seem strange that the national judiciary should have been actively associated with the general tendencies.

Jefferson's attack upon Marshall was characterized with too much personal feeling and political virulence.

“His comments upon the constitutional opinions of the chief justice, have little of the urbanity of a gentleman, less of the acuteness or skill of a jurist. He accuses him of sophistry, without any offer of proofs; of false reasoning, without being able to point out his errors; and insidious cunning, without a shadow of evidence to sustain the charge.”⁵⁹

John Quincy Adams, in his writing upon the death of Marshall, said:

“All constitutional governments are flexible things; and as the supreme judicial court is the tribunal of last resort for the construction of the constitution, and the law, the office of chief justice of that court is a station of the highest trust, of the deepest responsibility, and of influence far more extensive than that of the President of the United States. John Marshall was a Federalist of the Washington school. The associate judges from the time of his appointment have generally been taken from the Democratic or Jeffersonian party. Not one of them, excepting Story, has been a man of great ability. Marshall, by the ascendancy of his genius, by the amenity of his deportment, and by the imperturbable command of his temper, has given a permanent and systematic character to the decisions of the con-

58. “The American Commonwealth” by John Bryce, vol. 1, p. 375.

59. The New York Review, vol. 3, p. 344.

stitution, and settled many great constitutional questions favorably to the continuance of the Union. Marshall has cemented the Union which the crafty and quixotic democracy of Jefferson has a perpetual tendency to dissolve. Jefferson hated and dreaded him, Marshall kept Jefferson much under the curb,—sometimes, as perhaps in the case of Aaron Burr's conspiracy, too much so; but Marshall's mind was better regulated than that of Jefferson.'⁶⁰

Under the Jackson Administration, there was extreme democracy. The personal rule of the president was felt everywhere. Five vacancies occurred on the supreme court bench during the Jacksonian epoch, and they were filled by democratic appointment.⁶¹ By the appointment of R. B. Taney as chief justice in 1835, a complete change was wrought in the department. For twenty-eight years decisions were to be as democratic as they had been federal under Marshall.

Just before Marshall's death the Bank was not sustained in its issue of bills of credit upon the ground of unconstitutionality.⁶² But, coming before Chief Justice Taney, the decision was given in favor of the Bank. This step marks a beginning of a new era of our national judiciary. The court, which up to this time was federal in its decisions, now begins to show democratic tendencies. In the case of *Briscoe*, it broke from all previous principles, and for the first time declared nugatory one of the provisions of the constitution.⁶³ From the standpoint of politics as well as history the struggle for class supremacy, conspicuous in the period just following Marshall's chief justiceship, is most interesting. The constitution has been carried through the experimental stages,—the new struggle is to be one of class interests. As the years come and go, petty political methods pay a smaller part in judicial activity and in judicial interpretation.

60. "Memoirs of J. Q. Adams" by C. F. Adams, vol 9, p. 243.

61. McLean, 1828; Baldwin, 1830; Wayne, 1835; Taney and Barbour, 1836.

62. *Briscoe vs. Bank of Commonwealth of Kentucky* in "Reports of the Supreme Court" by Richard Peters, vol. 2, p. 257.

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HISTORICAL SOCIETIES

THE annual meeting of the Mississippi Valley Historical Association was held at Lake Minnetonka, Minn., June 22-23, 1908. Although this was the first regular meeting of this association, over forty of the leading historians of the Mississippi Valley were present, and participated in the discussions. Many states outside of the valley were represented, altogether representatives from twenty-three states being present. The association now numbers over one hundred members. The papers presented at the meeting covered a wide range of subjects, and the association voted to publish at once, the proceedings of the association to date, including the papers presented at this meeting.

The Mississippi Valley Historical Association was organized in Lincoln, Nebraska, October 17-18, 1907. A second meeting was held in connection with the American Historical Association meeting at Madison, Wisconsin, December 28-30 of the same year. The constitution provides for holding two meetings annually, one of which is held in connection with the meeting of the American Historical Association, and the other at some point in the Mississippi Valley, to be selected by the Executive Committee.

At the Lake Minnetonka meeting the following officers were elected: President, Dr. Clarence W. Alvord, Urbana, Ill.; Vice-President, Prof. Orin G. Libby, Grand Forks, N. Dak.; Secretary-Treasurer, Clarence S. Paine, Lincoln, Neb.; Executive Committee, Dr. Benjamin F. Shambaugh, Iowa City, Ia., Dr. Dunbar Rowland, Jackson, Miss., Mr. F. A. Sampson, Columbia, Mo., and Dr. Thomas M. Owen, Montgomery, Ala. The time and place of holding the next mid-summer meeting will be determined later by the Executive Committee. Invitations were presented from Iowa City, Ia., Des Moines, Ia., Springfield, Ill., St. Louis, Mo., and Lincoln, Neb.

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER TEN

LINE OF THE IRISH KINGS

NO history of ancient times has been more carefully or more thoroughly investigated by painstaking scholars of mediæval and modern times than that which treats of the origin and the careers of the Irish kings. Plentiful records concerning those monarchs were preserved by the old monks of the early Christian period; and beyond that the priests and other functionaries who surrounded the rulers of the world in the long generations antedating the coming of Christ preserved much of information concerning the people from whom the Irish race and subsequently that of Scotland originally sprang. To these varied and multitudinous records were gradually added an abundance of tradition and much of mythical lore out of all which it has been possible to derive an interesting and generally acceptable account of the Hibernian chiefs and their ancestors.

It is largely due to the labors of the scholastic monks in the early centuries of the Christian era and even before that time that we are able to trace the history of those rulers chronologically and genealogically. If the fifth century nine scholars, among whom were St. Patrick, St. Benignus, and St. Carioch were appointed by the triennial parliament of Tara in the reign of Læghaire, the one hundred and twenty-eighth monarch of Ireland, "to review, examine and reduce into order all the monuments of antiquity, genealogies, chronicles and records of the kingdom." The documents thus examined and placed in order were carefully preserved in the national archives until the Danish and Anglo-Norman invasions. At that time some were



BRUCE'S CASTLE.

destroyed; some were carried away to Belgium, Denmark, England, France, Rome, and elsewhere; some were preserved in public and private libraries in Ireland, and some were held in safety in Irish and Scotch convents and monasteries.¹

Early in the seventeenth century another special undertaking was inaugurated to bring together these scattered records, to compare them with original documents, and to compile from the vast amount of widely distributed material a reliable history of the colonization of Ireland from the earliest ascertainable period to about the close of the sixteenth century. The monumental work that was thus accomplished is known as "The Annals of the Kingdom of Ireland by the Four Masters," and also as "The Annals of the Four Masters." Upon this imposing work later historians and genealogists have in large measure depended although much has been added from time to time from other sources giving additional information or throwing new light upon what had been before collated. Thus the celebrated "Irish Pedigrees" of O'Hart and the works of O'Farrell, the Irish historiographer to Queen Anne, and other investigators have given us works that not only reproduce but reinforce the conclusions of the Four Masters.

The task of compiling these annals was placed in the hands of the three brothers O'Clery,—Michael, Cucogry, and Conaire,—and Fearfeasa O'Mulconaire. Michael O'Clery, or Teige of the Mountain, was born in 1575. Early in life he sought admittance to the religious order of St. Francis, but instead of giving himself up to religious work he determined to devote his life to historical research. He and his brothers became hereditary historians to the O'Donnells, princes of Tírconnel. Peregrine O'Duigenan and Maurice O'Mulconaire of Rosecommon, who were hereditary historians to the kings of Connaught, assisted the O'Clerys and Fearfeasa O'Mulconaire in their work.

Throughout a period of fifteen years these scholars were engaged in gathering manuscripts and various kinds of documentary and traditional evidence from all parts of Ireland. They had access to the "Annals of Boyle" which the monks in the Cistercian monastery of Boyle had collected; the "Annals

1. "Irish Pedigrees" by John O'Hart, Fifth Edition, vol. 1, p. 17.

of Connaught" which dealt with the history of Ireland from the thirteenth to the sixteenth century; the "Annals of Innisfallen" which had been collected by the monks in the abbey of Innisfallen and were also sometimes called the "Annals of Munster;" the "Annals of Ulster" collected by Cathal Maguire in the fifteenth century, and other important collections of similar character

Many of these original annals have been preserved to the present day and are even now accessible to scholars. The *Leabhar-Gabhala* of the O'Clerys contains poems and other documents which were the sources of the bardic history of Ireland. Many passages from these poems were reproduced verbatim in the "Annals of the Four Masters." The first manuscript is in the library of the Royal Irish Academy. Another valuable source of information for this compilation was the "Annals of Clonmacnoise" which contained the synchronisms of Flann, the poems of Maelmura, poems of Gillacaemhain, and so on.

The catalogue of Irish kings by Gillacaemhain, incorporated in the "Annals of the Four Masters," was principally derived from the accumulated traditions of the poets and seanachils of Ireland. Pinkerton and other Scottish historians who have dealt with the early centuries of Ireland and Scotland unreservedly admit the antiquity and general reliability of this list. Pinkerton in commenting upon it says that it was "so easily preserved by the repetition of bards at high solemnities and some grand events of history" that it is readily credible. Michael O'Clery, speaking of the work of himself and his associates, said that the annals were compiled "from the ancient and approved chroniclers, records and other books of antiquity of the kingdom of Ireland." The work upon the annals was begun in the monastery of Donegal in 1632 and was finished in 1636. From the locality where the work was done the annals are sometimes called the "Annals of Donegal."

A further reason for confidence in these annals is derived from the fact that the first settlers upon the island, the Milesians, established principles of law particularly involving hereditary possession of property. They adhered to the principle that a man's right to inheritance depended upon his family rela-

tionships, and therefore with them genealogy early became a very important matter. They employed officials whose duty it was carefully to compile the genealogical history of all families of prominence. These Milesian Irish genealogical records and chronicles were, even in the centuries before Christ, constantly examined and revised in order to prevent errors and to continue the historical family account. As state documents they were preserved from generation to generation, and they constituted the material from which in the third century was written, by order of the monarch Cormac MacArt, a history of the Irish nation called "The Psalter of Tara."

From this and from other equally ancient and valuable records Cormac MacCullenan, Archbishop of Cashel and King of Munster, wrote in the ninth century "The Psalter of Cashel," the original of which is now in the library of the British Museum. The reliability of these annals and records is now very generally recognized by scholars, and the chronological and genealogical pedigrees of the Irish kings set down in them is accepted as being quite as fully established as any history dealing with periods as far back as the beginning of the Christian era.

From the outset the royal Milesian rulers of Ireland were split into several lines of lords who controlled different parts of the island, just as in Norway, before the time of Harald Harfagra, the country was divided into many small kingdoms held by independent princes. But all these Irish kings derived originally from the same common stock and were also closely allied by intermarriages in successive generations. Ultimately they united in the one royal house which held the most part of Ireland long before the Christian era and which, in its royal descendants, gave to Scotland the great family which dominated that country for nearly seven hundred years and became especially distinguished in its famous kings, Kenneth, Alexander, and Malcolm.

According to the ancient Irish historians Ireland was colonized by several nations more than two thousand years before the Christian era. These colonists were mostly of Scythian origin and they made no very deep impress upon the new country in which they settled, never rising in civilization higher than

mere tribal existence. Then came the permanent occupants of the island who conquered the tribes who had preceded them. The origin of the later settlers has been traced to the conquerors from the East who overran the southwestern peninsula of Europe, subjugating the rude people of Galicia and Luistania long before the Roman legions had invaded those countries.

These were the Gaelic, Milesian, or Scotie men who arrived in Ireland in the year of the world 3500, according to the ancient chronology. Under them the country was developed into a nation. They set up stable government, bringing with them customs and laws that had made Assyria, Egypt, Babylon, and other nations of the East rich and powerful and the forerunners of modern civilization. The nation that they established remained in existence, and the continuity of the royal line was unbroken until Ireland was subjugated by King Henry II. of England in 1186.

It is recorded² that Niul, the youngest son of Fenius Farsa (Phœniosa Farsaidh), king of Scythia, being a man of great learning was invited into Egypt by the ruling Pharaoh about the time of the captivity of the Israelites. He received land bordering on the Red Sea and married Scota, a daughter of Pharaoh. Gaodhal or Gathelus, the son of Niul, was the ancestor of the Clan-na-Gael, that is "the children or descendants of Gaodhal." He lived in the time of Moses who, it is said, at one time cured him of a serpent's wound by the laying on of a rod. During many succeeding generations the descendants of Gaodhal who were driven out of Egypt led their people in warfare on the island of Creta, in Scythia, and up and down the Caspian sea. Cachear their high priest foretold that,

"there should be no end to their wanderings until they should arrive at the western island of Europe now called Ireland, which was the place destined for their future and lasting abode and settlement; and that not until their posterity after three hundred years should arrive there."

Brath, the seventeenth king in line after Gaodhal, ruled in Getulia or Libya, but leaving that country established a colony

2. "The Annals of the Four Masters."

in Galicia, Spain. His son Breoghan, or Brigus, conquered Galicia, Andalusia, Murcia, Castile, and Portugal, and made himself king of all those countries. He built Breoghan's tower or Brigantia in Galicia and the city of Brigansa or Braganza in Portugal, which was named after him. Also Castile was originally called Brigia for him. Brigus sent into England a colony that settled in the territory now embraced in the counties of York, Lancaster, Durham, Westmoreland, and Cumberland. These colonists were called Brigantes, and centuries later, the Romans found their posterity there.

A grandson of Brigus was Milesius of Spain who is the great figure in ancient Irish history. In his youth he went back to Scythia, the early home of his race; there he married a daughter of the king and was made a general of the army. He grew in power and in the affection of the people until the king became jealous of him and determined to put him out of the way. Milesius, anticipating his father-in-law's intentions, slew him and sailed away to Egypt with a fleet of sixty vessels. In Egypt Pharaoh Nectonibus received him graciously, made him a general, kept him eight years in the country, and gave him his daughter Scota in marriage.

Returning to Spain he found that his father was dead and his country threatened by the invasion of foreign tribes. He fought these enemies successfully, winning, it is said, fifty-four battles and establishing peace throughout the land. Inspired by a desire to find out about the islands to the west and remembering the prophecy of the old magician of his race centuries before, concerning them and his people, he sent his uncle Ithe thither to spy out the land. Ithe was killed by the islanders who resented his intrusion, and then in revenge Milesius determined to invade and subdue the country; but before he could mature his plans he died.

The eight sons of Milesius undertook to carry out the work that their father had contemplated, but on the way westward part of their fleet was destroyed and five of the brothers were drowned.

"They met many difficulties and various chances before they could land; occasioned by the diabolical arts, sorceries and

enchantments used by the Tuatha-de-Danans, to obstruct their landing; for by their magic art, they enchanted the island so as to appear to the Milesians or Clan-na-Mile in the form of a hog and no way to come at it (whence the island, among the many other names it had before, was called Muc-Inis or the Hog Island.)”³

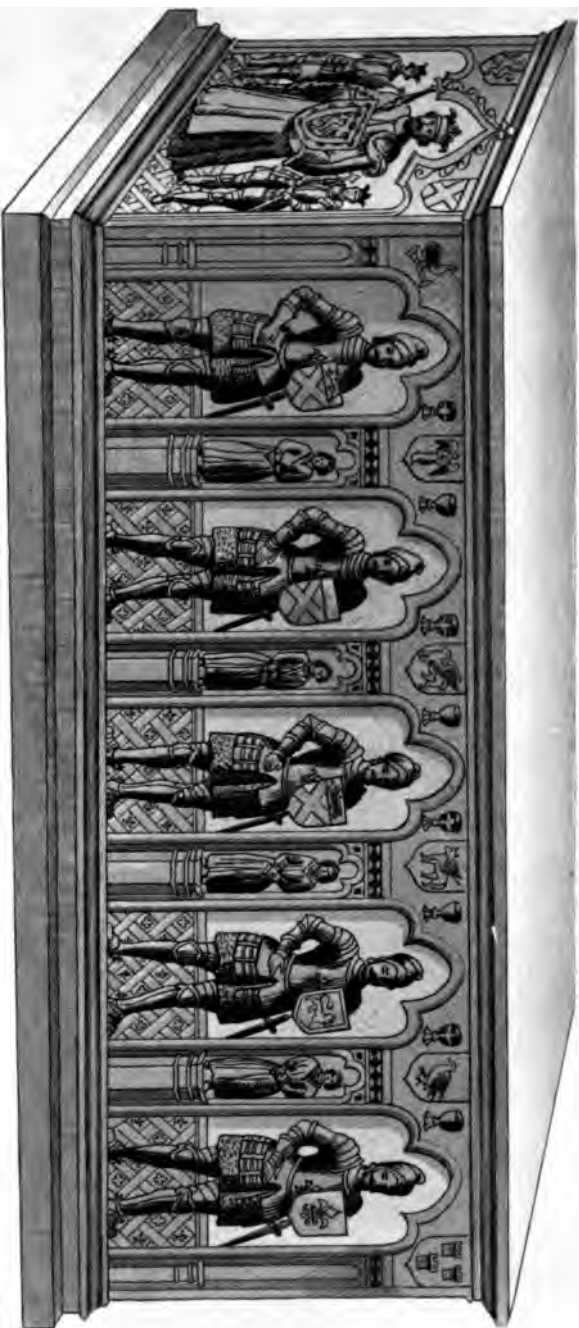
The three surviving brothers, Heber, Heremon, and Amergin with Heber Donn, son of Ir, one of the brothers who had perished, effected a landing, slew in battle the three Tuatha-de-Danan kings, routed their army, and took the country.

“Heber and Heremon, divided the kingdom between them (allotting a proportion of land to their brother Amergin, who was their arch-priest, druid or magician; and to their nephew Heber Donn and to the rest of their chief commanders), and became jointly the first of one hundred and eighty-three kings or sole monarchs of the Gaelic, Milesian or Scottish race, that ruled and governed Ireland successively for two thousand eight hundred and eighty-five years from the first year of their reign Anno Mundi three thousand five hundred to their submission to the crown of England in the person of King Henry the Second; who, being also of the Milesian race by Maude, his mother, was lineally descended from Fergus Mor Mac Earca, the king of Scotland, who was descended from the said Heremon, so that the succession may be truly said to continue in the Milesian blood from before Christ one thousand six hundred and ninety-nine years down to the present time.”⁴

“This invasion, conquest or plantation of Ireland by the Milesian or Scotch Nation took place in the Year of the World 3,500 or the next year after Solomon began the foundation of the Temple of Jerusalem, and 1,699 years before the Nativity of our Saviour Jesus Christ; which according to the Irish computation of Time, occurred Anno Mundi, 5,199; therein agreeing with the Septuagint. Roman Martyrologies, Eusebius, Orosius and other ancient authors; which computation the Irish chroniclers exactly observed in their Books of the Reigns of the Monarchs of Ireland, and other Antiquities of that Kingdom; out of which the Roll of the Monarchs of Ireland, from the beginning of the Milesian Monarchy to their submission to King

3. “Irish Pedigrees” by John O’Hart, Fifth Edition, vol. 1, p. 53.

4. “Irish Pedigrees” by John O’Hart, Fifth Edition, vol. 1, p. 54.



Henry the Second of England, a Prince of their own blood, is exactly collected.’⁵

The expedition of the sons of Milesius is the theme of Thomas Moore’s beautiful Song of Inisfail:

“They came from a land beyond the sea
And now o’er the western main
Set sail, in their good ships, gallantly,
From the sunny land of Spain.
‘Oh, where’s the isle we’ve seen in dreams,
Our destined home or grave?’
Thus sang they, as by the morning beams,
They swept the Atlantic wave.

And lo! where afar o’er ocean shines
A spark of radiant green,
As though in that deep lay emerald mines,
Whose light through the wave was seen.
‘’Tis Innisfail— ’tis Innisfail!’
Rings o’er the echoing sea;
While, bending to heaven, the warriors hail
That home of the brave and free.

Then turned they unto the Eastern wave,
Where now their day-god’s eye
A look of such sunny omen gave
As lighted up sea and sky.
Nor frown was seen through sky or sea,
Nor tear o’er leaf or sod,
When first on their Isle of Destiny
Our great forefathers trod.”

On his shield and standard Milesius of Spain bore three lions. In explanation of these insignia the story is told that on one occasion in his younger days, when journeying in Africa he killed three lions on a single day. In memory of this exploit he always after bore three lions on his shield. His two surviving sons, Heber and Heremon, and his grandson, Heber Donn, after their conquest of Ireland, adopted these arms, each of them bearing a single lion on his shield and banner, but of different colors. Their descendants to this day preserve these arms with

5. “Irish Pedigrees” by John O’Hart, Fifth Edition, vol. 1, p. 55.

additions and changes. The lion rampant was born by the royal house of Scotland, the earls of Huntingdon, and the Bruces.

For a more detailed account of the pedigrees of the kings of Milesian origin during their occupancy and control of the Emerald Isle, the records and annals already quoted may be profitably consulted. In the centuries just preceding the birth of Christ one of the strongest royal houses of Ireland ruled Dalriada.

Aeneas Tuirmeach-Teamrach, the eighty-first monarch, of Ireland, who died at Tara, the royal seat of the Irish kings, in 324 B. C., had a son named Fiacha Firmara; this son was the ancestor of the kings of Dalriada in Ireland, and Dalriada and Argyle in Scotland. In the twenty-first generation from Fiarcha Firmara was Conaire II., known as Conaire MacMogha Laine; he married Sarad, the daughter of Conn of the one hundred battles, who began to reign in 122. Carbry Riada, the son of Conaire II. and his wife Sarad, was the first king of Dalriada. He invaded the northeastern part of Ireland and conquered a new territory which was named after him. He was a cousin of King Comal, and his descendants lived and ruled under the protection of the sovereign house of Ireland from the time of the first occupancy of the country in the middle of the third century. After Carbry Riada the successive kings of Dalriada, his lineal descendants, were Kionga, Felim Lamh-foidh, Eochy Fortamail, Fergus Uallach, Aeneas Fort, Eochy Mun-reamhar, Earc, and Loarn; the last named was the last king of the province and with him we come to the beginning of the Scottish kings.

CHAPTER ELEVEN

ANCIENT ROYAL HOUSE OF SCOTLAND

AS was shown in the preceding chapter, toward the conclusion of the fourth century the Dalriadinian Scots were one of the powerful ruling peoples of Ireland. Previous to that time men of the same Scot origin had sailed across the narrow waters between Ireland and the larger island and established themselves in a desultory way in

North Britain. There they had come more or less in contact with the Picts who were already located in that region and who, as distinguished from the newcomers, were of Gothic descent instead of Gaelic. Before the end of the fourth century larger and more studied invasions of Romanized Britain were made by the Scots from Ireland. On one occasion, in 360 B. C., they were repelled by the natives of North Britain, but this in no wise dampened their ardor.

This immigration continued persistently, if not strongly, for several centuries. Ultimately a substantial colony from Irish Dalriada came over and, settling at Kintyre in 503, succeeded in establishing firm footing. The Dalriadinian Scots affiliated with the men of Scottish origin who had preceded them and made common cause against the more barbarous Picts. Gradually, as time wore on, they became successful in their fighting, and not only were able to maintain themselves in their newly chosen home but gradually encroached more and more upon the territory of the Picts.

Bede, the historian, says:

"In course of time, Britain, besides the Britons and Picts, received a third nation, Scotia, who, issuing from Hibernia, under the leadership of Reuda (Riada) secured for themselves, either by friendship or by the sword, settlements among the Picts which they still possess. From the name of their commander they are to this day called Dalreudini; for, in their language, dal signifies a part. Dalriada meant Riada's portion."

FERGUS is the first Scottish king recognized in the line of descent from the Irish kings to King Kenneth McAlpin of a later generation. Some antiquarians have built up a pedigree extending many generations beyond Fergus, but their conclusions have not been accepted by conservative and more reliable investigators and scholars. Scotland's great historian, George Chalmers, in his "Caledonia" concedes the beginning of the line of Scottish kings in Fergus as historically and conclusively established. Other historians and genealogists of his day and of later periods who have made a particular study of the earlier and somewhat cloudy periods of Scottish history, unite in agree-

ment with him. Upon the strength of their conclusions the record from Fergus is received.

Loarn, who at this time was at the head of the Dalriadinian Scots in Scotland, was closely pressed in war by the Picts, and sent to his tribesmen in Ireland for assistance. His grandson, Fergus Mor MacEarca, went over to assist him. Fergus was a son of Loran's daughter, Earca, and of Muredach who was grandson of Niall Mor, known as Niall of the nine hostages, the one hundred and twenty-sixth monarch of Ireland. It was in 498 that Fergus came to Scotland to the assistance of his grandfather, and he was accompanied by his two brothers, Angus and Loarn. Upon the death of his grandfather Loarn the three brothers assumed control of affairs.

Fergus became the sole monarch of the Dalriadinian Scots upon the death of Angus and Loarn. However, he did not long survive his two brothers but died in 506. An ancient Gaelic poem, or genealogical account of the Scoto-Irish kings, applies to him the epithet *ard*, which means great in character or first in sovereignty. His reign lasted only three years.

"In A. D. 498 Fergus Mor MacEarca in the twentieth year of the reign of his father, Murdock, son of Eugenius or Owen, son of Niall of the nine hostages, with five more of his brothers, viz. another Fergus, two more named Loarn and two named Aongus or Aeneas with a complete army, went into Scotland to assist his grandfather who was king of Dalriada, and who was much oppressed by his enemies the Picts, who were in several battles and engagements vanquished and overcome by Fergus and his party. Whereupon on the king's death, which happened about the same time, the said Fergus was unanimously elected and chosen king as being of the royal blood by his mother; and the said Fergus was the first absolute King of Scotland of the Milesian race; so the succession continued in his blood and lineage ever since to this day." [Annals of the Four Masters.]⁶

DOMANGART, son of Fergus, followed his father and ruled the turbulent Scots and Picts for five years, dying in 511, his life having been "full of troubles." Comgal, son of Domangart,

6. "Annals of the Irish Kings," by John O'Hart, Fifth Edition, vol. 2, p. 641.



Tomb of Margery Queen of Scotland in Paisley.



reigned for twenty-four years—some authorities say thirty-two years—and in his long period widely extended the settlements of his kingdom and consolidated his authority. It was written that “his reign passed away without reproach.”

GAURAN, brother of Comgal and son of Domangart, succeeded in 535 in the direct line from Domangart to Kenneth McAlpin, who was the progenitor of the great royal house of Scotland. His reign of twenty-two years passed away “without reproach” until in 557 he was overpowered by Bridei, a king of the Picts. Power passed into the hands of his nephew Conal, son of Comgal, who was a protector of the sainted Columba, but Conal’s administration of fourteen years was unlucky and closed in 571 in civil war.

AIDAN, son of Gauran, after the fall of Conal, successfully maintained his rights to the inheritance on the battlefield of Loro. In 574 he was inaugurated at Iona by Columba, and in the next quarter of a century he gained many victories over his rivals in his own family and over the Saxons and other fighting men of that period. Frequently beaten by the Saxons, he lost his sons, Arthur, Eocha-fin, and Domangart in battle, and in his defeat by the Northumbrians under Aethelfred at the battle of Dawstane in 603 the Dalriadini were then so completely overcome that for many generations thereafter they did not attempt to extend their territory far to the south. Aidan was the greatest of the Dalriadinian monarchs and was called “the king of the noble portion.” He died quietly at Kintyre, at the age of eighty, in 605.

EOCHA BUI, the yellow haired, son of Aidan, ruled sixteen years, 605-21, but his reign closed under a cloud of foreign and civil war. He and his sons won many victories over their neighbors, but when he died, in 621, he left his people in the midst of troubles.

KENNETH-CEAR, the awkward, son of Eocha Bui, “ruled happily” during three months, said the Gaelic bard, but he was slain in the battle of Fedharvin in 621 fighting the Irish chief-

tain Cruitbne. Following the death of Kenneth the kingdom was controlled by Ferchar, of the Loarn line of kings, for sixteen years.

DONAL-BREAC, the freckled, a son of Eocha Bui, in 637, upon the death of Ferchar, obtained the sceptre that had fallen from the hands of his brother, Kenneth-Cear. He was a man of strong character, vehement and impetuous. Early in his reign he invaded Ireland to attack King Domnal II., and there he was overwhelmingly defeated on the plain of Moyrath in 637. Again in the following year he was beaten by the Picts in the battle of Glenmoreson and, invading the Clyde in 642, he was slain at Straith-Cairmaic by Hoan, one of the reguli of Strathclyd. During the next sixty years the sceptre was in the hands of the Loarn and the Comgal descendants of Erc, and the record of those years is a record of family feuds.

DOMANGART, son of Donal-Breac, was not able to succeed his father for he was assassinated in 672. Then it was not until Ferchar-Fada, the tall, of the family of Loarn, died in 702, after a bloody reign of twenty-one years, that the house of Gauran again acquired power.

EOCHA-RINEVAL, son of Domangart and grandson of Donal-Breac, rose to the control of affairs but he had a reign that was short, troublous, and inglorious. In 705 he was compelled to give way to Ainhcealach, the power again passing to a rival branch of the family.

EOCHA III., son of Eocha-Rineval asserted his rights to the succession in 720, and finally in 729 was able to overthrow all his rivals, the whole Scottish-Irish kingdom becoming united under him. After a reign of nine years over Kintyre and Argyle, and four years over all the Dalriadinian tribes, he died in 733. Following his death a contending faction again seized the sceptre and held it for six years.

AODH-FIN, son of Eocha III., came to the head of the Dalriadina tribes. He proved to be a great sovereign. During his reign the Scots gained a decided supremacy over the Picts and

their king was the hero of many adventurous exploits. After a brilliant reign of thirty years he died in 769. Fergus, son of Aodh-fin, succeeded his father, and reigned feebly three years. After him the sceptre was lost to his family for a quarter of a century.

Eocha-Annuine, another son of Aodh-fin, reestablished the line of the Gauran branch. This Eocha IV. is the Archaius of the Latin annalists. His reign began in a period of civil war, but he held himself firmly in power and strengthened the royal position of his family. He died in 826 after a prosperous reign of thirty years. He married Urgusia, daughter of Urgusia and sister of Constantin who ruled the Picts from 791 to 821 and of Ungas who ruled the same tribes in 821-30. By this marriage he laid the foundations for the alliance of the Scots and Picts that was realized when Kenneth McAlpin, his grandson, rose to power.

ALPIN, son of Eocha Annuine and Urgusia, after a three years' reign by Dungal, of the house of Loarn, took up the sceptre but did not distinguish himself. His ambitions for more extensive domains and the control of a richer people than he ruled over impelled him in 836 to lead an army into the country beyond the Clyde. He laid waste to the territory between the Ayr and the Doon but in an engagement near the site of Laicht castle he was slain.

I

KENNETH, the son of Alpin, succeeded his father in 836. He was a man of enterprise, power, and valor. To avenge the death of his father he made several invasions south of the Clyde, and in 843, after he had reigned over the Scots for seven years, he seized the ancient sceptre of the Pictish kings from Wred, and then held it. By virtue of his descent from Urgusia the Picts were willing to accept him as their sovereign and the two peoples, Scots and Picts, were united into one nation. Notwithstanding this success Kenneth held a territory that comprised only a small part of Scotland. Power over the rest of

the country was established gradually as the nation developed. After Kenneth the monarchs were called kings of Picts and then kings of Alba, and it was not until the tenth and eleventh centuries that the name of Scotland was fully adopted. The substantially complete historical account of the kings of Scotland begins with Kenneth McAlpin.

II

CONSTANTIN, son of Kenneth, did not immediately succeed his father since Donald, his uncle, came in for a weak ineffectual reign of four years. He was crowned king at Scone in 863, and at once engaged in the work of correcting the ills that his immediate predecessor had brought upon the land and in extending and strengthening the domain that had been secured by his father. Meantime the Northmen who had been settled in Ireland for nearly half a century were making predatory incursions to the shores of North Britain. Constantin was compelled to meet these invaders soon after he began to reign. For nearly a decade he combatted them successfully, but in the end he was overcome and killed on the shores of the Forth in 881. He married a daughter of a prince of Wales and by her had two sons and one daughter.

III

DONALD IV., the son of Constantin, came to the throne in 893 after the intervening reigns of Aodh and Eocha. His reign was marked mostly by fighting against the Northmen who continued to ravage North of Britain wherever they could gain foothold. Donal defeated them at Collin on the Tay, near Scone, but in 904 he was killed while battling against an army of Danes led by Ivar O'Ivar. The Gaelic bard sang of him as "Domhnal Mic Constantin chain,"—"Donal, Constantin's son, the beloved," and it was said of him that he was "equally dear to the high and the low."

IV

MALCOLM I., son of Donald IV., received the kingdom after Constantin III., his cousin, at the end of a forty years' reign,



Engr. by C. B. R. N. Y.

LADY SARAH BRUCE AT DRUMMOND CASTLE
Died aged 106



had relinquished the sceptre in 944 and retired to a monastery in his old age. Malcolm inherited a turbulent dominion but he distinguished himself by an alliance with England, securing Cumbria from King Edmund; and in later years he raided Northumberland. In an insurrection of the Moray men in 952 he slew Cellach the maormor and in the following year at Fetteressoë fell a victim to the revenge of Cellach's followers. After him three kings of another line, Indulf, Duff, and Culen ruled for a time over Scotland.

V

KENNETH III., son of Malcolm I., came to the throne of his forefathers in 970. He waged war against the Britons and ultimately gained the important object of his ambitions in annexing the kingdom of Strathclyde to the territories of the Scottish kings. In a decisive combat on the field of Luncarty near Perth he overthrew a great army of invading Danes and secured freedom from the forays of those foes. Involved in domestic war by an insurrection in the Merns, he was assassinated by Finella, wife of the maormor of the Merns, in revenge for the death of her son. His death occurred in 994 at the close of a long reign of twenty-four years. He left a son who came to the throne as Malcolm II., a son who was killed in 1032, and a third son Malcolm II., a son who was killed in 1032, and a third son Boidhe, who was the father of the celebrated Gruoch, Lady Macbeth.

VI

MALCOLM II., son of Kenneth III., was born in or about 954. He was variously known as King of Scots, Malcolm MacCináeth, King of Alban, King of Monaidh, King of Scotia, "the most victorious king," and "a warrior fortunate, praised of bards." His reign began in 1005 after he had defeated his cousin, Kenneth III., king of Alban, in battle at Mongievaire, near the banks of the river Earn. In 1010 he achieved a victory over the Danes and as a thank-offering he founded the monastery of Marthillach or Mortlach where the battle was fought. Dur-

ing his reign the battle of Clontarf in Ireland was fought and the battle of Carham on the Tweed. In 1031 Malcolm yielded to Canute of England, becoming subject to the Saxon monarch.

He died at Glamis, November 25, 1034, at the age of eighty or more and after a reign of nearly thirty years.

Issue:

1. Bethoc or Beatrice. She married, about the year 1000, Crinan the Thane, hereditary lay abbot of Dunkeld and seneschal of the Isles. Crinan was slain in battle at Dunkeld. Eleven of the descendants of this matrimonial alliance were Kings of the Scots between 1034 and 1285.

2. Donada. She married about the year 1004, Finlace, mormaer of Moray and had Macbeth, King of Scots, 1040-57.

3. Alice or Thora, who married Sigurd, earl of Orkney, the Norwegian ancestor of the Bruces.

VII

DUNCAN, eldest son of Crinan and Beothoc, was born about 1031. He was known as the King of Scots, King of Alban, and Duncan the Wise, and was the gracious Duncan of Shakespeare's play, "Macbeth." He was made king of the Cumbrians before 1034, and upon the death of his maternal grandfather, Malcolm II., he succeeded him as king of Scots. His reign was short, lasting less than six years, and in military enterprises was not brilliant. He unsuccessfully besieged the city of Durham in 1040, and the same year was defeated in battle at Torfness by his cousin Thorfinn, earl of Orkney.

He was murdered at Bothnagowan, now Pitgaveny, near Elgin, by Macbeth, August 14, 1040. Macbeth was a cousin of Duncan and a commander in his army and succeeded him on the throne.

He married a cousin of Siward, earl of Northumberland, about 1030.

Issue:

1. *Malcolm* of whom below.
2. Donald Bane who was twice King of Scots.
3. Melmare.

VIII

MALCOLM III., Canmore, Great Head or Chief, son of Duncan, was born about 1031. He became the greatest of Scotland's

ancient kings and was called "a king, the best who possessed Alban." For fourteen years he lived at the court of England and received an excellent education, being accomplished in Latin and English as well as in his native Gaelic tongue. When he was about twenty-three years of age he became king of the Cumbrians after the victory of his kinsman Earl Siward over King Macbeth at Scone in July, 1054. After he had defeated and killed Macbeth in August, 1057, and Lulach, the successor of Macbeth, in the following March he became king of Scots. He was crowned at Scone, April 25, 1058.

He invaded England five times, waging war against the Normans and in support of his kinsmen, the Saxons. His first invasion was in 1061, and others followed in 1069, 1079, 1091, and 1093. After the battle of Hastings in 1066, the defeated Eadger Aethling and his sisters fled from the victorious William the Conqueror and found refuge in the court of Scotland's monarch. Scotland was frequently invaded by the Normans during his reign, and parts of Malcolm's kingdom were from time to time annexed to England. These forays back and forth were the beginning of that long and bloody struggle that lasted for centuries while the conquerors of England were endeavoring to subdue Scotland.

He was killed by Morel of Bamborough at Alnwick, in Northumberland, November 13, 1093, aged about sixty-two, after a reign of nearly thirty-six years. He was buried at Lynemouth, but afterwards reinterred at Dunfermline.

He married, first, about 1059, Ingibiorg, daughter of Earl Finn Arnason and widow of Thorfinn Sigurdson, earl of Orkney. He married, second, in 1068-9, Margaret, daughter of Edward the Outlaw, king of England. She died November 16, 1093.

Issue by wife Ingibiorg:

1. Duncan, king of Scots, Duncan II. in 1094.
2. Malcolm.
3. Donald, who died a violent death in 1085.

Issue by wife Margaret:

4. Eadward, who died from wounds received in battle at Alnwick in November, 1093.

5. Eadmund. He ruled parts of Scotia, 1094-1097, became a monk, and died at Montague in Somersetshire.
6. Æthelred, Abbot of Dunkeld.
7. Eadger, King of Scots, 1097-1106.
8. Alexander, King of Scots, as Alexander I., 1106-1124.
9. *David*, King of Scots, of whom below.
10. Matilda, "the good Queen Maud." She married King Henry I. of England in May, 1100 and died May 1, 1118.
11. Mary. She married Eustace, Count de Boulogne in 1102 and died May 31, 1116.

IX

DAVID, the ninth and youngest son of Malcolm and Margaret preceding, was born about 1080. His youth was spent at the court of King Henry I. of England, his brother-in-law. On the death of his brother, King Alexander I., he ascended the throne of Scotland as David I., in April, 1124. His reign, which lasted twenty-nine years, was eventful. Cumbria and Lothian were reunited with Alban under his authority; his supporters were successful in the battle of Strikathro against the men of Moray in 1130; he invaded England in 1136; an army of Scots defeated the English at Clitheroe in 1138, but the king was overwhelmed by the English in the great battle of the Standard in the same year. David, who was the first feudal king of the Scots, was a man of fervent piety and devoted to his people. He was surnamed St. David and was "a pious and God-fearing man." Much of his time and means was given to the upbuilding of the church and church establishments. He founded monasteries at Selkirk and Jedburgh, and established or reconstituted six bishoprics and ten abbeys.

He died at Carlisle, May 24, 1153, and was buried under the pavement before the high altar in the church of the Holy Trinity, at Dunfermline.

He married, about 1113, Matilda, daughter and heiress of Waltheof, earl of Huntingdon, granddaughter of Siward, Earl of Northumberland, and widow of Simon de St. Luz. She died between April 23, 1130 and April 22, 1131, and was buried at Scone.

Issue:

1. Malcolm, who was strangled when a child by Donald Bane, ex-king of Scots.
2. Claricia, who died unmarried.
3. Hodierna, who died unmarried.
4. *Henry* of whom below.

X

HENRY, younger son of David and Matilda of Huntingdon, did not live to mount the throne, dying before his father, June 12, 1152. He succeeded to the earldoms of Northumberland and Huntingdon.

He married in 1139 Ada de Warenne, daughter of William, earl of Warenne. She died in 1178.

Issue:

1. Malcolm, who was born March 20, 1141-42. From his youthful and feminine appearance he was called "the maiden." He succeeded his grandfather and was king of Scots, 1153-65, as Malcolm IV. He died unmarried December 9, 1165.
2. William, who was born in 1143. He was the famous King of Scots, known as "William the Lion" and was a worthy successor of his great ancestor Malcolm Canmore. His reign extended from the death of his brother Malcolm IV. to December 4, 1214, a period of forty-nine years. He died December 4, 1214. He married in 1186, Ermengarde, daughter of Richard vicecomes de Belomonte; his son Alexander II. succeeded him on the throne.
3. *David* of whom below.
4. Ada, who married Florence III., Count of Holland in 1161.
5. Margaret, who married, first, in 1160 Conan IV., Duke de Bretagne, Earl of Richmond; second, Humphrey de Bohun, Earl of Hereford.
6. Matilda, who died in childhood in 1152.

XI

DAVID, the third son of Henry and Ada de Warenne, was born about 1144 and succeeded to the title of earl of Huntingdon. He founded the abbey of Lundors, now Lindores, near Fife.

He died at Jerdelay, June 17, 1219, and was buried in the abbey of Saltire in Huntingdonshire.

He married in 1190, Maud, daughter of the earl of Chester.

Issue:

1. Robert, who died young.
2. Henry, who died unmarried.

3. John le Scot, Earl of Chester and Earl of Huntingdon. He died without issue.
4. Margaret, who married Alan, lord of Galloway, in 1209. Her daughter Dervorgilla married John Baliol; their son John Baliol was the successful competitor for the throne of Scotland in 1291, and their son-in-law, John Comyn senior, was also competitor and father of the John Comyn whom Robert Bruce killed in 1305.
5. Isabella, who married ROBERT BRUCE OF ANNADALE.

(To be Continued)



RAIT CASTLE
VIEW FROM THE NORTH-EAST



THE TRADITION OF HVITTRAMANNA-LAND

BY L. D. CISCO

II

CERTAIN arguments of a more fallacious kind have been based upon various features of the aboriginal culture in America. The advancement of the Indians seen by De Soto early in the sixteenth century has been cited as an evidence of pre-Columbian European contact.³⁴ The appearance of the Latin cross among ancient Mexican symbols has also been brought forward as of the same effect.³⁵ Even the brief allusions to aboriginal ways recorded in the Erik Saga have been quoted to that end.³⁶ Nevertheless no one of the arguments thus offered raises a point that demands the assumption of European contact for adequate explanation, and still less does it demand any special belief in Keltic relations. Better than either Indian legends or cultural coincidences as corroborative evidence of the supposed voyages would be the existence of surviving fragments of Erse among the Indian dialects, and better yet would be the mute testimony of monuments or small objects bearing traces of Irish origin. Thus far, however, no one has found—even in the Shawnee tongue—any gaelic declensions to hint at linguistic survivals, and the search for archæological proofs has been hardly less futile. Among the wealth of aboriginal relics one object only has been offered as showing Keltic traces, namely, the Grave Creek mound stone, found near Moundsville, West Virginia, in 1838 and bearing marks thought by some to resemble and perhaps to be in fact a Keltic inscription. Schoolcraft was disposed to connect the stone with the supposed voyage of the Welsh prince Madoc to America,³⁷ while

34. De Roo, vol. 2, pp. 95-96.

35. Kingsborough, "Antiquities of Mexico," vol. 6, p. 190, and De Roo, vol. 2, pp. 101, 108-110.

36. De Roo, vol. 2, pp. 92, 95.

37. Schoolcraft, "Information," vol. 1, pp. 120-124, 1853.

De Roo sees in it an evidence of Irish voyages.³⁸ The Bureau of American Ethnology, more skeptical, denies that the stone has an alphabetical character, and classes it with spurious antiquities.³⁹ There are no relics other than this to support the theory of Irish voyages. Particularly may it be said that no one has found steel weapons, articles of Christian worship, bones and trappings of horses, or remains of sea-going ships that can be assigned to pre-Columbian times, although the Icelandic texts show that all these were used in the regions where Ari and Bjorn took refuge.

With American archaeology thus unresponsive to the quest for tangible evidence the searcher for proofs must turn to the Irish sources. Ireland has numerous annals that cover the period when the colonization of America is supposed to have occurred, besides a wealth of literature of a legendary sort. But nowhere in this mass of writing has there been found a single reference to transatlantic colonies or to voyages that can be recognized as transatlantic. There seems to be but one statement that can be quoted as even favoring the theory of Irish visits to the New World, and this one, which unaccountably has been overlooked by those to whom it would be most welcome, is sufficiently vague to discourage the use of it by conservative writers. "Maenach, a Cele De, came across the sea from the west to make the laws of Erin" is the information given by an old chronicle among events of the year 920.⁴⁰ The value of this entry is vitiated somewhat by the fact that another chronicle declares Maenach to have come "across the sea westwards,"⁴¹ a version which rules out all inference relating to America. This unique hint of land to the west must be put aside as valueless in its loneliness, and with the failure of Irish literature to support the theory of Irish voyages there departs the hope of any proofs outside of the Icelandic texts. Thrown back upon these the task which presents itself is that of testing the statements of the texts by the ordinary rules of historical interpretation, and following where they may seem to lead.

38. De Roo, vol. 2, p. 94.

39. Bureau of American Ethnology, Fourth Annual Report, p. 250, 1886. Tenth Annual Report, p. 761, 1893.

40. Hennessy, "Chronicum Scotorum," p. 193.

41. O'Clery, "Annals of the Four Masters," vol. 2, p. 605.

The first step toward any interpretation of the Icelandic texts is a recognition of two elements in their material. One element consists of information reported by various Icelanders who shared in certain voyages. Some of this matter is avowedly second-hand information brought from other ports, and there are noticeable gaps in the continuity, but nevertheless the narratives are straightforward, devoid of romantic touches, and seemingly reliable on the score of veracity. The second element of the texts is in the nature of a gloss upon the stories of the sailors. It consists of opinions added by the editors of the tales with the purpose of explaining the geographic identity of those regions referred to in the seamen's reports. It is in these editorial comments that the direct references to Hvittramma-land occur, and it is evident that the commentators had no definite knowledge on the subject of which they spoke. To properly gauge the historical value of the Icelandic texts these two elements must be dissociated. Some writers, facing the difficulty of accepting the theory of Irish voyages, have been inclined to dismiss as echoes of legend the entire texts on which the theory is based, but such an attitude is untenable. The literary compilations which contain the texts are recognized historical sources. This being so the excerpts here considered must be given the credence which attaches to any narrative offered by good authority, and so much of it as is probable and uncontradicted must be accepted. Of the two elements that enter into the excerpts it is evident that the incidents of voyages cannot be thrown aside. The value of the editorial comments is less certain.

The voyages of Bjorn Asbrandssen and Gudleif Gudlaugssen form a single narrative with no specific reference to Hvittramma-land, or any editorial comment on geographic points. Of Bjorn's voyage nothing is told except that he sailed from Iceland with a northeast wind. Of Gudleif's voyage more detail is given. He went from Iceland to Dublin, and from thence sailed homeward late in the summer, evidently passing out through the North Channel with the Irish coast at his left, and turning northerly on the home route. Here the storm seized him and drove the vessel helplessly far southwest (*rak tha langt*

vestri haf ok in utsudhr), but eventually the party became aware of land and reached a harbor. Later they departed from this haven of refuge and in the autumn made Ireland (*toku Irland*), reaching Dublin again and staying there through the winter. Of the route by which they reached the latter port nothing is hinted. Obviously the time and distance values in this narration are so indefinite as to stand for almost anything in the way of a storm drift such as is described. Those who see in it a transatlantic voyage are able to believe that the Norse bark was carried continuously and without material damage a distance of 4,100 miles to the Carolina coast of America, and that the path was retraced with equal ease and directness. The alternative to this belief is a much shorter drift and, since the natural impulse of the Icelanders would be to turn their prow eastward toward the coast they had left, when freed by the storm, a subsequent recourse to some harbor of the Old World.

In the reference to the return voyage perhaps may be seen also an implication that their harbor lay near enough to Dublin to permit the laying out of a prearranged course to the latter port as the nearest place of safety. The alternative of a land-fall in the Old World rather than in the New is given strength by the story of the Icelanders' experience on their unknown coast, for the description that it affords relates with peculiar aptness to the conditions that existed in Western Ireland at this period, while it cannot relate to America without supposing a transplanted community whose existence is hypothetical. The people of Ireland had speech that would be recognizable by Icelanders as Irish; they were acquainted with the use of horses, banners, swords, and rings; they knew the custom of human bondage; and some of them could have had Norse leaders. All these conditions are required by the saga text. The last-named feature may seem unusual, but Norwegian colonies had existed in Western Ireland since about 830 and the Irish annals show that more or less affiliation of Norse and Irish elements existed in the tenth century. Here could the Norse Bjorn naturally reach such preferment as the saga describes. The reception of the Icelanders by the Irish seems in keeping with Irish ways and is not unlike the reception of Olaf Pa about this time as narrated

in the *Laxdaela Saga*.⁴² Thus the details of the Saga tale may be located accurately enough on the Irish coast without violating the text requirements. Careful scanning of the text reveals in fact but one tangible hint upholding the thought of a transatlantic voyage. The statement that the Icelanders "made Ireland" may imply a journey from some region geographically separate, and must be given whatever weight it may deserve. Considering that such interpretation requires the acceptance of various improbabilities annexed to it the point seems clear enough that the most reasonable explanation of the saga tale is to suppose that Bjorn and Gudleif met in some part of Western Ireland. This view of course removes another prop from the theory of Irish colonies in America.

The voyage of Ari Marssen and the subsequent reports about him that were brought to Iceland by other voyagers form a second narrative quoted to uphold the idea of Irish colonies in America. In this instance the text embraces, besides the direct statements about Ari, an explanation of them which locates Ari's abiding place explicitly and identifies it with Hvittramanna-land. Unfortunately for the modern reader the geography of the comment is impossible and merely beclouds the subject. If this part of the text be set aside the sailors' reports remain, yielding the information that Ari lived in a Christian community so situated that news from it could—and sometimes did—reach the Norse settlements of Limerick and the Orkneys. In this community the former Icелander, now a baptized convert from paganism, was held in honor but not allowed to depart. Thus dissociated from editorial comment there is nothing to imply an American home for Ari or any transatlantic voyage on his part. As in the case of Bjorn Asbrandssen the Norse-Irish districts of Western Ireland fulfill all the requirements of the text.

During the ninth and tenth centuries the Norwegian town of Limerick was capital of a little Norse kingdom exercising a loose lordship over the Irish tribes of the Shannon basin and parts of Munster. At about the time that Ari Marssen left Iceland the tribesmen threw off the rule of Limerick and the

42. Viking Club, "Saga-Book," vol. 3, pp. 246-247.

Norse kingship terminated. Nevertheless the Norse population remained in the region on more or less amicable terms with the Irish, acknowledging the rule and adopting the Christianity of the latter.⁴³ That Hrafn the sailor, while visiting the Norsemen of Limerick should hear of Ari as living with some neighboring Irish tribe, and that other seamen should also report Ari's situation in gossip at the Orkneys is reasonable enough, and quite consonant with geography and recorded history. Nevertheless such explanation is contradicted by the geographic comment of the text writer and must be thrown aside if that comment may seem more applicable to some region other than Western Ireland. Until then it may stand as the nearest and most reasonable explanation of the texts. This provisional solution of the meaning brings forward the question of the real significance of the Icelandic belief in a region called by them Hvittramma-land.

The original references make fairly clear the geographic conception of the Icelandic text-writers on this point. They deemed it to be a region lying westward from Europe in the Atlantic (*ligger vestr i haf*), and very close to those other western regions visited by Leif Erikssen and Thorfinn Karlsefni. They are vague, however, as to its precise position relative to the latter. The Erik Saga scribe thinks it lay "on the other side, over against" (*oedhrum megin gagnvart*) Markland. The writer of Ms 770c describes it as next to Wineland "and somewhat to the back" (*ok nokkut til baka*) of it. The first writer seems to mean a location adjacent to Markland but separated from it by water, while the second probably intends to picture a situation more to the southward than Wineland, so that it is to the back

The advocates of the Irish voyages have preferred to interpret these passages as indicating regions lying west or southwest of Newfoundland or Nova Scotia, thus making the implications of the texts conform to the outlines of the modern map. A conception agreeing better with the exact letter of the texts, however, would be that of an insular area lying easterly from the North American coast in about the latitude of Newfound-

43. Worsae, "Account of the Danes in England, Scotland and Ireland."

land.⁴⁴ The interpretation is not important in either case, for there is room for argument in either direction. The apparent reference to an island in the sea makes it necessary, however, to inquire if perchance the unknown region was after all only a fabulous conception like the oceanic isles described in Irish and Spanish legends. The idea seems hardly acceptable. There is nothing of the mysterious or marvelous related in connection with the region, but every assertion speaks rather of prosaic geographical reality. The text-makers populate the country with ordinary human beings, who possess the Christian faith, and hold communication in the ordinary way with European people. If ever the existence of Hvittramanna-land was connected with fable there is no trace of the fact in the existing texts. Despite the apparent belief that it lay out upon the Atlantic there yet seems no reason to assume it to be a phantasm. Implications tend rather to show some original identity with part of the Old or of the New World. The alleged nearness to Wineland would indicate a New World situation, while the shortness of the distance between it and Ireland would point toward the Old World. The problem here is to decide between the two.

If aught were known of the time or circumstances when the legend of Hvittramanna-land originated something would be gained in the direction of knowing the location of the region. The language of the text-writers is not illuminative on this point; it only indicates by its vagueness some remoteness of time or place for the beginning of the tale that preserved the memory. Two names are applied to the country by the men who wrote of it. Hvittramanna-land is the preferred one, but Irland-et-Mikla, which means Ireland the Great, is also used. The latter term holds some suggestion of its origin. Hibernia was the name applied to Ireland by the mediaeval writers of most of Europe; Eriu was the name used by the native Irish for their country; and Ir-land was the phrase used by Old English and Old Norse men. Besides Eriu many less familiar terms are used in old Irish writings to designate that country, but nowhere is there given any term equivalent to Ireland the Great.

44. Storm, "Vinlandsreiserne," p. 67.

That phrase is certainly Norse or Danish in form, and it seems a fair assumption that it was Norse or Danish in origin. Conjecture might go even farther and suggest that the absence of the phrase from Norwegian literature and its presence among Iceland, Orkney, and Limerick men indicates an origin in the western colonies of the Norse or Danish peoples. Be this as it may the assumption of an origin in Scandinavian speech has a bearing upon the geographic location of the country. The phrase Ireland the Great seems at first glance to hold a very distinct implication, namely, that it belongs to a region possessing some characteristics in common with Ireland proper, and also having some form of greatness that contrasts it with Ireland proper. Prof. Storm adopts this view and seeks to conform probabilities to it by supposing that Ireland the Great was identical with Iceland, although the latter island is not enough greater in area than Ireland to make any striking contrast. This view of course makes the Icelandic text writer's comments on the tale of Ari Marssen an absurdity. If the Scandinavian origin of the phrase be accepted it makes identification with Iceland improbable but at the same time suggests a view more in harmony with the saga tales, by which it is not necessary to suppose a duality of Irelands in former days. Just as Wineland the Good bore alone a phrase of Norse origin which did not require the co-existence of a Wineland the Bad, so may Ireland the Great have been alone in bearing a name attached to it by Norsemen, being in fact the same country which is known as Ireland at the present day. The reiteration in Norse texts of the descriptive phrase "Ireland is a great isle" (*Irland es ey mikil*),⁴⁵ and the adoption of the phrase by Edrisi, seems certainly to indicate that greatness in size was a special feature of Ireland in the thought of mediaeval geographers.

The phrase of Hvittramanna-land, meaning White Man's Land, is less easily turned to any interpretation that carries enlightenment. Its form suggests a possible Norse or Danish origin, but thus far no occurrence in Norse writings outside of the passages hitherto cited has been reported. In Irish literature the term appears in the story of the Children of the King

of Norway. This is a sea-tale which seems so unlike the customary Irish style as to warrant a supposition of Norse origin, but its editor forbears to trace it earlier than the fourteenth century.⁴⁵

For this latter reason and also because the White Men's Land (*thire na bhfean bhfionn*) of the story has no recognizable geographic setting it seems idle to connect the name in the Irish tale with that in the Icelandic texts. Another line of interpretation is suggested by the text of Ms 770c which uses the name "Albania" as an alternative of Hvittramanna-land, thus hinting at Scotland as the original region to which the term was applied. The probability here, however, is that the term is a latinization of the accompanying phrase rather than a distinct term and Scotland may be stricken from the probabilities.

If the name Hvittramanna-land has an origin founded at all upon real fact it would seem that the only safe line of inference must take account of clothing or complexion. Beauvois thought to connect the white-robed culdees of the Orkneys with the white-robed persons mentioned in the Erik Saga and assume an identity,⁴⁷ but his chain of argument has too many weak links to be taken seriously. Probably the only ethnologic groups which could have been as a whole notable for using white garments at that time were the skin-clad tribes of Arctic regions, and these seem out of the question in this relation.

A more usual line of interpretation is based upon the idea that the term indicates some characteristic of complexion belonging to the people of the original Hvittramanna-land. There is a field for discriminating conjecture in this direction. For modern times the use of the term "white men" in a specific sense is familiar; for mediaeval times it is not so. There is, nevertheless, one notable instance of a kindred phrase and this instance, curiously, carries back to that same region of Western Ireland toward which other hints in the legend point. During the ninth century, when the earlier bands of Northern sea-rovers were hurling themselves upon the Irish coast the native

45. "Grönlands Historiske Mindesmærker," vol. 3, p. 216.

46. Irish Text Socy, vol. 1, Douglas Hyde, editor, p. xiv.

47. "Cong. Inter. Amer. Compte Rendu, prem. sess.," pt. 2, pp. 70, 86.

annalists distinguished the invaders as of two sorts, the fair men and the dark men.⁴⁸ Historians assert that the fair men were the Norwegians whose center was Limerick, and that the dark men were the Danes whose centers were Dublin and Waterford.⁴⁹ This fact furnishes an interpretation of the Icelanders' phrase which seems promising, the more so as it offers a meaning coincident with that suggested for the companion phrase *Irland-et-Mikla*. It must be assumed, of course, that the term "white men" here was borrowed originally from Irish sources, although the phrase *Hvittramanna-land* as a whole is Scandinavian in form and has no exact equivalent in the Irish texts. The form of the phrase suggests that a vague knowledge of these particular white men came into Icelandic tradition not directly from the Irish but indirectly through some of the Norse colonies in Scotland or Eastern Ireland, with whom the Icelanders had communication.

It may be said, therefore, in summing up the matter, that the internal evidence of the *Hvittramanna-land* legend points positively toward identification with some part of Western Ireland. With that region Icelanders had almost no communication, although the colonists were of their own Norse race. The legend is plainly based upon conceptions adopted by Icelandic gossip long before the time of Ari Frode, the saga-writer. It must be supposed that hearsay knowledge of conditions in Western Ireland became distorted in Icelandic mouths and it was believed that somewhere in the western sea lay a duplicate Ireland, holding communication and ethnologic identity with the real Ireland. No other interpretation of the legend fits with the text, and certainly not one which supposes a populous, civilized, transatlantic colony that has left no recognizable trace either in the land where it existed or in the land from which it drew its people. Witness the silence of the conservative historians who have considered the latter theory.

48. Finghoill and dubhghoill, "Annals of the Four Masters," vol. 1, p. 481; *fiann lochlannoch* and *dubh lochlannoch*, "Annals Loch Cé," p. 5; *fiann-ghenti* and *dubh-ghenti*, "Chronicum, Scotorum," p. 151; *duibgeinti danarda* and *find genti*, "Wars Gaedhil with Gaill," p. 19.

49. O'Donovan, "Annals of the Four Masters," vol. 1, p. 482, footnote.

A DARK PERIOD OF OUR CIVIL WAR AND A NOTABLE SPEECH OF THAT TIME

BY DUANE MOWRY

IT is not generally known that the late ex-Senator James R. Doolittle, for twelve years—from 1857 to 1869—a senator from Wisconsin, had it in mind to write something of the political history of this country covered by his own active and aggressive public life. He had seriously entered upon the preparation of considerable manuscript at the time of his death. The fact that he was a poor man, in so far as this world's goods are concerned, was undoubtedly, the principal reason that prevented him from carrying out his original purpose. He could not afford wholly to surrender the time necessary to prepare this history and neglect the duty of bread-winning which his straitened financial circumstances demanded. Nevertheless, such a book was near and dear to his heart. And it would have been a source of keen satisfaction if he could have submitted such a volume to the American people.

Among the manuscripts prepared by Judge Doolittle for such a history of his time, the following will have a peculiar interest for the student of the time included in the war of the rebellion. The original matter is in the writer's possession and has never been published.

“The darkest and gloomiest period of our civil war was when the thirty-seventh congress adjourned in March, 1863. It was after the Peninsular Campaign of 1862 under General McClellan had failed; that campaign resulted not in capturing Richmond, as was hoped and expected; but, after many battles and great sacrifices, it resulted in a retreat to Harrison's Landing for protection by our gunboats. ‘It was from there, after this retreat, that McClellan, July 3rd, 1862, telegraphed to the secretary of war, the saddest news that ever came to Washington:

'To accomplish the great task of capturing Richmond and putting an end to this rebellion, re-inforcements should be sent to me rather much over than less than 100,000 men.'

"Pope's Virginia Campaign and the defeat at the Second Bull Run soon followed; that was equally depressing. Not long after came the dreadful slaughter and repulse of the army of the Potomac, under Burnside at Fredericksburg in December, 1862. These misfortunes, we might rather say, these great disasters, were followed, in February, 1863, by a number of bold and successful raids by the rebel cavalry across the Rappahannock and Potomac, not very far from Washington; one, December 25th, by J. E. B. Stuart, across the Rappahannock, capturing 26 wagons and 200 prisoners, and burning some railroad bridges; another, by Imboden's troopers, February 16th, 1863, surprising a supply train, capturing 76 men, 27 wagons and a hundred horses; a third, by Fitz Hugh Lee, February 25th, 1863, surprising a camp, capturing 150 prisoners; and a fourth, February 26th, 1863, by General W. E. Jones, more daring still, routing two regiments and capturing many prisoners.

"The news of this last raid was received at Washington just before the day of adjournment. It produced great excitement in Washington; in the senate chamber—almost a panic. A resolution requesting the president to appoint a day of prayer and humiliation was unanimously adopted, while senators in private conversation, gave way, almost to despair; some of them wringing their hands, saying: 'All is lost,' and at the same time complaining most bitterly of the president and of all the Generals who had been in command of the army of the Potomac.

"It was this gloomy state of things—this panic—which prompted—or rather inspired the following extemporaneous speech from Senator Doolittle of Wisconsin. It came as an outburst of the soul. It shows that a belief that the United States of America is God's Republic, is no new belief with him; that belief sustained and cheered him there, in that hour which sorely tried the souls of men. We wish every thoughtful young man and young woman in the United States might read that speech.

It is found in volume 62 of the Congressional Globe, part II and appendix, pp. 1530-31.

“ ‘In Senate, March 3, 1863. Half past eleven o’clock. Mr. Doolittle said:

“ ‘Mr. President: The last hour of the session is passing away. There can be no more practical legislation. I would not spend this last hour in crimination and re-crimination. Rather let us for a single moment look back on the session about to close,—the most laborious, the most momentous in our whole history.

“ ‘Sir, the Congress which is now expiring, will live forever in that history. It has passed more laws, it has passed more important measures than any other since the Government began,—important from every point of view, for their magnitude, and for the great principles which are involved in those measures. Look at the financial measures brought forward and passed; involving more than a thousand million dollars; at the great currency measure which has passed at this session of Congress; which is to give us a national currency, based not upon monopoly, but upon free banking; at the great military measures, necessary to command our whole force on land and on sea, to put down this rebellion; at the organization of our national armies; at the organization of our national navy; those great and gigantic measures worthy of what we are, and are to be, by which we are about to demonstrate to the world that this nation still lives—aye, sir, more, that this nation not only lives, but is to become, if it is not already, on sea and land, the greatest military power of the earth.

“ ‘Other measures, unsuited to times of peace, of great importance, have been enacted. We have been called upon, in this time of civil war, to authorize the president to issue letters of marque and reprisal; and to declare by the almost unanimous voice of both houses of congress that any further efforts by France or England, or any other foreign power, to intervene or attempt to mediate in our affairs with a view to recognize the independent and separate existence of the southern rebellious confederacy, based as it is upon slavery as its chief corner stone, will be regarded as an unfriendly act toward this gov-

ernment, and at war with the fundamental principles of Christian civilization throughout the world. Should the European nations disregard our declaration thus solemnly made, God only knows what consequences may follow. We know we are right, and upon them will rest all the consequences.

“ ‘Besides these measures, one half of which I have not mentioned, so great and important, see what is going on here at home. While this war is raging; while the leaders of this unholy rebellion against every law, human and divine, are endeavoring to sever the cotton states from this Union, we have just passed through this body,—this last night of the session,—bills to admit two new states into this glorious sisterhood of states; two new states, soon to equal California in their mineral wealth and resources; two great states—golden states—on the great highway from the Atlantic to the Pacific,—on the line of the railroad (another great measure of the present congress), states which, as they become developed, are to bind in eternal embrace the East and the West, and make the union between our Atlantic and Pacific empire perpetual.

“ ‘Sir, I would not detain the senate, but I cannot forbear to allude to one or two topics more before I close. Look for a moment at the glorious free states of this Union. What a spectacle do they present to the civilized world! At this very hour, when we are in the midst of a gigantic war, our ships, laden with the voluntary contributions of the American people, are crossing the ocean three thousand miles to feed the starving children of the old world; speaking to them as we can, as no other nation on the earth can speak: ‘We have bread enough and to spare; land enough and to spare; come and enjoy them almost without money and without price. If too poor to come, we will send the bread to feed you.’

“ ‘In spite of rebellion at home; in spite of threatened intervention from abroad; we will be true to ourselves, true to humanity, true to the great principle which is the foundation stone of our Republic—Liberty, Equality and Fraternity. How should the people of the free states bless God, the Almighty, that in his mercy thus far, in the midst of this gigantic war, not one foot of their soil has been reddened with the blood of

this conflict. It has been confined to the insurrectionary districts; and the man or the men in those free states who sympathize with this rebellion, and who would transfer its bloody and devastating work to their hitherto peaceful and prosperous fields and cities and towns, should meet the indignant frowns of every man, woman and child. Ay, sir, justice should lash him with a whip of scorpions naked from the face of civilized man. But, sir, these sympathizers are already alarmed. They begin to go back to their hiding places. The day of judgment and of final retribution for them is at hand. They will call on the rocks and the mountains to cover them. We are to crush and put down this rebellion and all its aiders, abettors and sympathizers. This nation is to stand before the world, greater, more powerful, and more glorious than it has ever yet been, or than has ever entered into the imagination of man to conceive.

“ ‘Mr. President, it is in the utterance of sentiments like these that I would have this congress expire. I would have the last work spoken here, in the American senate, declare the unalterable purpose of the American people to be, to crush out this wicked rebellion. So far from giving over this controversy, in which we are now engaged, let that last word say to the world; —to traitors at home, and to those who would intervene from abroad: ‘We have just begun to fight; we are just bending ourselves to give our whole energies to the contest; we will fight it through; we will never surrender our sovereignty to our territories on the Gulf.’

“ ‘We bought Florida on purpose to get rid of a foreign power holding jurisdiction on the north side of the gulf; we bought Louisiana to hold the mouth of the Mississippi, upon grounds of the highest political necessity; and, in the name of the great North-West, I say, that they will hold the mouth of the Mississippi river, though they reduce Louisiana to what it was when we took it, a territory of swamps and crocodiles. They will never surrender it to any foreign power. Let us say to England and France, and to the whole civilized world, that to talk to us about our admitting the independence of another power holding the mouth of the Mississippi and our coast upon the Gulf of Mexico, is to talk of war with the United States.

Sir, it is necessary to our national life; every day and every hour but strengthen the conviction that we must hold it, though it shall involve foreign war; though it should bring the upheaving of the world. We shall never surrender our power there. We shall never give over the controversy. If this generation fail, our children after us will continue the struggle.

“‘I hope the senate will pardon me for giving utterance to such strong language. My feelings would not allow me to say less. Sir, I admit that sometimes the clouds hang over us with thick darkness; sometimes the light is almost obscured; yet, I have been blessed with that abiding faith, which, in the darkest hour, feels no doubt of our ultimate success. Our cause is the cause of humanity, the cause of constitutional liberty, for ourselves and for all mankind. There have been times, it is true, when the public mind has been oppressed with gloom; sometimes with apprehension; but beyond these clouds and through that gloom, I believe we can see the dawning light of the coming day. Sir, it is a part of my religious conviction, and I do not hesitate to declare even here, that this Republic, the United States of America, is that political power upon earth which the prophets have foretold, for which the good men of all ages have longed and prayed; and for whose success and duration, Heaven, with all its omnipotence, stands pledged. Sir, I believe that truth and justice, that liberty and law will triumph, and that the day of that triumph is drawing near.’

“In just four months after the delivery of the foregoing speech, came the great victory of Gettysburg, and the surrender of Vicksburg—the beginning of the end of the Rebellion.

“In another most trying emergency, the same abiding and unwavering faith in God showed itself. In 1864, when many leading Republicans were using all their power and influence to get Lincoln to withdraw in favor of some other candidate, Mr. Doolittle gave utterance to these words at a memorable speech at Springfield: ‘Fellow Citizens:—I believe in God, the Almighty; under Him, I believe in Abraham Lincoln.’

“This speech of thirteen words was received with such cheers and demonstrations by nearly 20,000 men that for a long time,

for the space of nearly half an hour, it was not possible for him to speak another word."

This speech of Senator Doolittle at the hour of closing of the thirty-seventh congress had a wonderful effect in the North. It inspired hope among the loyal citizens of the country. It gave renewed vigor to the dormant activities of many of the slumbering soldiers at the front. It aided President Lincoln in the prosecution of the work of the war. Judge Doolittle at once took a prominent place in the confidential councils of the nation. His absolute sincerity and honesty of purpose, shown by this short speech, was the talk of the country. The Honorable Thomas Ewing, his intimate friend and trusted advisor, assured him "that this was a very noble speech," certainly an opinion he need not be ashamed of. The speech was, indeed, most opportune.

It was not possible for Judge Doolittle to take neutral ground upon any important public question, or with relation to any prominent public man. So it was quite natural for him to declare for Abraham Lincoln for re-election for president. He could not do otherwise. He believed in him and believed that he was the man for the existing conditions in the country. He was prompt in so announcing his convictions. He was, indeed, a truly great public man, although often maligned and misrepresented. His fame, however, is safe.

JOHN ADAMS ON JOHN HANCOCK

[*From a Letter of John Adams to William Tudor, dated Quincy, Mass., June 1, 1817.*)]

YOU “never profoundly admired Mr. Hancock. He had vanity and caprice.” I can say, with truth, that I profoundly admired him, and more profoundly loved him. If he had vanity and caprice, so had I. And if his vanity and caprice made me some times sputter, as you know they often did, mine, I well know, had often a similar effect upon him. But these little flickerings of little passions determine nothing concerning essential characters. I knew Mr. Hancock from his cradle to his grave. He was radically generous and benevolent. He was born in this town, half way between this house and our congregational temple, son of a clergyman of this parish, and grandson of a clergyman of Lexington, both of excellent characters. We were at the same school together, as soon as we were out of petticoats. His father died when he was very young. His uncle, the most opulent merchant in Boston, who had no children, adopted him, placed him in Mr. Lovell’s school, educated him at Harvard college, and then took him into his store.

And what a school was this! Four large ships constantly plying between Boston and London, and other business in proportion. This was in 1755. He became an example to all the young men of the town. Wholly devoted to business, he was as regular and punctual at his store as the sun in his course. His uncle sent him to London, from whence, after a residence of about a year, he returned to his store, with the same habits of business, unaltered in manners or deportment, and pursued his employments with the same punctuality and assiduity, till the death of his uncle, who left him his business, his credit, and his fortune; who did more—he left him the protector of his widow. This lady, though her husband left her a handsome in-

dependence, would have sunk into oblivion, like so many other most excellent widows, had not the public attention been fastened upon her by the fame of her nephew. Never was a nephew to an aunt more affectionate, dutiful and respectful. No alteration appeared in Mr. Hancock, either from his travels in England, or from his accession to the fortune of his uncle. The same steady, regular, punctual, industrious, indefatigable man of business; and, to complete his character with the ladies, always genteelly dressed, according to the fashion of those days.

What shall I say of his fortune, his ships? His commerce was a great one. Your honored father told me, at that time, that not less than a thousand families were, every day in the year, dependent on Mr. Hancock for their daily bread. Consider his real estate in Boston, in the country, in Connecticut, and the rest of New England. Had Mr. Hancock fallen asleep to this day, he would now awake one of the richest men. Had he persevered in business as a private merchant, he might have erected a house of Medicis. Providence, however, did not intend or permit, in this instance, such a calamity to mankind. Mr. Hancock was the delight of the eyes of the whole town. There can be no doubt that he might have had his choice, and he had his choice of a companion; and that choice was very natural, a granddaughter of the great patron and most revered friend of his father. Beauty, politeness, and every domestic virtue justified his predilection.

At the time of this prosperity, I was one day walking in the mall, and, accidentally, met Samuel Adams. In taking a few turns together, we came in full view of Mr. Hancock's house. Mr. Adams, pointing to the stone building, said, "This town has done a wise thing to-day." "What?" "They have made that young man's fortune their own." His prophecy was literally fulfilled; for no man's property was ever more entirely devoted to the public. The town had, that day, chosen Mr. Hancock into the legislature of the province. The quivering anxiety of the public, under the fearful looking for of the vengeance of king, ministry, and parliament, compelled him to a constant attendance in the House; his mind was soon engrossed by public cares, alarms, and terrors; his business was left to

subalterns; his private affairs neglected, and continued to be so to the end of his life. If his fortune had not been very large, he must have died as poor as Mr. S. Adams or Mr. Gerry.

I am not writing the life of Mr. Hancock; his biography would fill as many volumes as Marshall's "Washington," and be quite as instructive and entertaining. Though I never injured or justly offended him, and though I spent much of my time, and suffered unknown anxiety, in defending his property, reputation, and liberty from persecution, I cannot but reflect upon myself for not paying him more respect than I did in his lifetime. His life will, however, not ever be written. But if statues, obelisks, pyramids, or divine honors were ever merited by men, of cities or nations, James Otis, Samuel Adams, and John Hancock, deserved these from the town of Boston and the United States. Such adulations, however, are monopolized by profligate libellers, by cringing flatters, by unprincipled ambition, by sordid avarice, by griping usurers, by scheming speculators, by plundering bankers, by blind enthusiasts, by superstitious bigots, by puppies and butterflies, and by everything but honor and virtue. Hence the universal slavery of the human species. Hence a commentary on the well known and most expressive figure of rhetoric, "It grieved the Almighty, at his heart, that he had made man." Nevertheless, this is a good world, and I thank the Almighty that he has made man.

Mr. Hancock had a delicate constitution. He was very infirm. A great part of his life was passed in acute pain. He inherited from his father, though one of the most amiable and beloved of men, a certain sensibility, a keenness of feeling, or in more familiar language, a peevishness of temper, that sometimes disgusted and afflicted his friends. Yet it was astonishing with what patience, perseverance, and punctuality he attended to business to the last. Nor were his talents or attainments inconsiderable. They were far superior to many who have been much more celebrated. He had a great deal of political sagacity and penetration into men. He was by no means a contemptible scholar or orator. Compared with Washington, Lincoln, or Knox, he was learned.

ORIGIN AND ANTIQUITY OF HERALDRY

V

ANIMALS OF VARIOUS KINDS, THEIR USES IN HERALDRY, THEIR ORIGIN AND THE SENTIMENTS WHICH ARE REPRESENTED BY THEM

BY HENRY WHITEMORE

BEASTS OF THE GAME—Stags, bucks, deer, hares, etc., are covered in arms not only on account of their natural good qualities but as signs of the bearer's jurisdiction and liberty of hunting in forests and parks. Their positions in arms are tripping, standing at gaze, *courant*, springing and *couchant*. Passant or *trippant* is when they have their right fore foot lifted up, and the other three, as it were on the ground. Tromp, of that ilk carried arms, vert, three bucks passant argent, two and one. This family ended in an heiress, who was married to a younger son of Keith, Earl of Mareschal. When the horns of those animals are of different tincture from their bodies, they are then said to be attired, and the branches of their horns are called tynes, and when their hoofs are of different tincture they are said to be unguled. The name of Parkhill carries arms, argent, a stag trippant, proper, attired or unguled, or.

Standing at gaze is said when these animals stand with their four feet on the ground. The name of Jones in England carries, arms, sable, a stag standing at a gaze argent. When lying down they are said to be *couchant* or lodged. The name Davidson carries arms, azure on a fesse argent between three pheons, a buck couchant gules. Sir William Davidson, of Churchill, baronet, carried the same arms, and in the dexter canton the arms of Ulster being argent, a sinister hand, coupé, gules, as being a baronet of England. His crest—was a youth from the middle holding in his right hand a man's heart, all proper. Albert Davidson, of Cambridge, advocate, carried arms, azure

on a fesse, coupé, argent, between three pheons or, a buck couchant gules and attired sable. Robert Davidson, of Bulzay, near Dundee, bore arms, azure on a fesse between three pheons argent, a stag couchant, gules, attired with two tynes, or; crest, a falcon's head coupé proper.

When deer, bucks, harts, etc., are running they are said to be *courant*, or in full course, as the surname of Rae bears arms, argent three roebucks in full course gules. When the beasts of game are erect on their hind feet they are said to *springing* or *salient*.

King David I, commonly called the Saint, being engaged in hunting on Hollywood day, near to Edinburgh, there appeared a hart or a stag with a cross between his horns which ran at the king so furiously, and dismounted him from his horse that he was in danger of being killed had not one of his attendants, Sir Gregan Crawford interposed. The pious King, taking this as a reproof for hunting on such a holy day, erected on the place, in



THE THREE LEOPARDS OF KING EDWARD III.

1128, a church called Holywood house, and the head of a stag with a cross between his horns became the badge of the abbacy and its baronies; as also the armorial figures of Sir Gregan Crawford, and all his descendants who carry: arms, argent, a stag's head erased with a cross crosslet between his attires gules, to perpetuate the happy event in Sir Gregan's delivery of King David; so that he and his posterity laid aside their paternal bearing, gules, a fesse, ermine, carried by another branch of the name.

Crawford of Comlargo carried—arms, argent, a stag's head erased, sable, attired or, distilling drops of blood; Crest—a dexter hand issuing out of a cloud, grasping a hart by the horns, and bearing him to the ground, all proper.

Caboched, cabossed, caborsed and trunked, are allowed for the heads of beasts which are represented full placed, and show no part of their necks. The term cabossed is said to be from an old French word *caboche* which signifies the head, but the French use the word *massacre* for a head caboched, which Menestier says is a term of hunting crept into heraldry; for the heads of stags, harts and other beasts of game which are due to the huntsman are called *massacre*.

The Mackenzies carry: arms, azure, a deer's head cabossed, or. The first of this name was Colin Fitzgerald, son of the earl of Kildare, or Desmond, in Ireland, who signalized himself by his bravery for the Scots against the Danes at the battle of Largs, in the year 1263, so that King Alexander II took him into favor, and bestowed upon him the lands of Kintail, in Ross-shire. His son was Kenneth, and again his son Kenneth, father of Murdo, designed in the charter of King David Bruce *filius* Kenneth; by the Highlanders, Mackenneth; and by those in the lowlands, Mackenzies, as were all the descendants in the lineal and collateral lines of the family and which were numerous in a short time.

Alexander Mackenzie of Kintail, a lineal descent of the head of the family, was killed at Flodden, with King James IV, 9th Sept., 1513, leaving John Mackenzie, his son, and heir, who, by his wife Elizabeth Stewart, daughter of John Stewart, Earl of Athol, had Cohn Mackenzie, his son and successor, a firm loyal-

ist supporter of Queen Mary. His eldest son and successor, was Kenneth Mackenzie, who, for his father, and his own merit was honored by King James VI, with the dignity and title of Lord Mackenzie of Kintail, in 1609.

From George, earl of Seaforth was lineally descended Kenneth, earl of Seaforth, who by King James VII was chosen and invested one of the knights companions of the most ancient order of the thistle, and afterward honored with the title of marquis of Seaforth.

THE WOLF—Romulus, in founding Rome, adopted the image of the she wolf. The senate of Romulus assumed the eagle of Jupiter which became the Roman standard with the wolf. The position of the wolf in armories is ordinarily erect, and so said to be rampant. It is carried by many families as relative to their name. Heads of wolves are frequent in arms, and have their necks hanging down to distinguish them from the heads of other beasts.

Robertson, of Strunan, carries: arms, gules, three wolves' heads erased, argent, armed and langued azure. Crest, a dexter hand holding up an imperial crown proper. The first of the family is said to have been one Duncan Macdonald, who got the lands of Strunan, in Perthshire for killing wolves. Robert, one of the other heads of the family apprehended as one of the murderers of King James I. on which account the family of Strunan has since borne a wild man chained, lying under the escutcheon of the arms.

John Robertson, writer, of Edinburgh, parted his chevron, gules and argent, three wolves' heads erased, two in chief and one in base, counterchanged of the same, armed and langued azure. Crest—a dexter hand holding a crescent.

THE FOX is used in armories for his wit, and as relative to the name of the bearer. The armorial bearings of the Fox family are described as; arms, ermine, on a chevron azure, three foxes' heads, erased, or, within a bordure fleurette, of the second, and on a canton of the same, a drinking-cup, of the third, bearing three fleurs-de-lis proper; on the urn, and charged in the centre with a rose gules; crest—a fox, sejant or, collared, fleurette,

azure, its paw resting on a fleurs-de-lis; motto, *faire sans dere* (to do without talking).

John Tod, by order of King Robert the Bruce, got from Sir Alexander Seaton, of that ilk, governor of the town of Berwick, nineteen pounds, six shillings and eight pence for relieving his children, captors in England, as is shown by an article in Sir Alexander Seaton's records, his accounts in the borough rolls of Exchequer in the year 1328.

THE ANTELOPE SUPPORTER was adopted in 1413 by King Henry V. on that monarch's succession. He changed the supporters of the royal escutcheon, by substituting an antelope for the white hart, as a companion to the lion of Aquitain. The antelope is a species of deer with two horns, plain or twisted. The standard exhibiting the antelope, gorged with a crown, and a golden chain pendant therefrom, was carried to the battle of Agincourt, gained by Henry V in 1415.

The ensign of Joan, surnamed the fair maid of Kent, bore a white hind *couchant*, which appertained to her arms as Countess of Kent previous to her marriage with Edward, the Black Prince, by whom she was the mother of the young reigning monarch, Richard II. After quelling an insurrection the royalists remaining conquerors, the king adopted the victorious banner of his mother, but changed the hind into a white hart gorged with a royal crown around its neck, ornamented with the fleurs-de-lis of France, and a loose golden chain. At the marriage of Richard II with Anne of Luxemburg (sister to Wincelass, King of Bohemia and Emperor of Germany), it was recorded that all the royal plate of England was newly engraved *a la guise* of the hart couchant.

THE HORSE. This device is carried by an old family of England by the name of Cleland, in the country of Lanark. It is said they were hereditary foresters to the old earls of Douglas which gave rise to their arms. After the death of King Alexander III., James Cleland of Cleland joined with William Wallace against the English for the relief of his country. He afterward stood firm in his loyalty for King Robert the Bruce and for his good service that king gave him several lands lying within the barony of Calder in West Lothian. From him was

descended William Cleland, who, in the reign of King James III. married Jean, daughter of William Lord Somerville.

Alexander Cleland, with his cousin, William Cleland, were both killed fighting valiantly for their king in the first battle of Flodden, 1513. On the seal of arms of this Alexander, appended to a charter of the date of 1498, is engrossed a hare *salient*, with a hunting horn about his neck. James Cleland, an eminent man, in the time of King James V. whom he frequently attended at hunting, married a daughter of Hepbourn of Bonnington, descended from the earl of Bothwell, by whom he had a son and successor.

Alexander Cleland was eminent for his loyalty in behalf of Queen Mary. He married Margaret, a daughter of Hamilton of Hays by whom he had William, his son and successor, who married the sister of Walter Stewart, the first Lord Blauskyre; their oldest son, Alexander, married the sister of John Hamilton, the first lord of Burgeny. This son and heir sold the lands of Cleland to a cousin of his own name, Major William Cleland. One of the commissioners of customs in Scotland, great-grandson of the last mentioned Alexander Cleland carries the principal arms of the family, as a tessure of his blood and primogeniture, viz: arms,—azure a hare *salient*, with a hunting horn *vert*, hanging about his neck, garnished, *gules*; crest,—a falcon standing upon a left hand glove proper; motto,—*non sila* (at other times). FOR SPORT: supporters two greyhounds, as in the "Lyon Register" and "Plate of Achievements."

THE OTTER, lives both on land and in water, and in armory is frequently carried issuing out of fesses or bars waved, which represent rivers, and this creature, by some heralds is said to represent a shifty warrior.

The name of Mildrum carries argent a demi-otter issuing out of a bar waved sable. Several of this name are found in the charters of King William. Alexander de Melgedrum or Meldrum was a witness in the registration of the lands of Beethwald by John de Strathborn, 1278; and in 1290, William, Lord Meldrum was one of those employed to treat about King David's redemption.

George Meldrum, of Cranbie, carries quarterly, first and

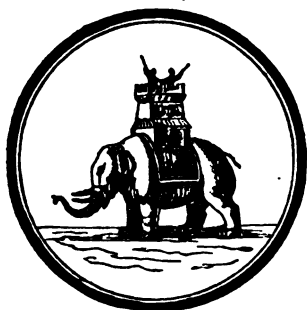
fourth argent, a demi-otter issuing out of a bar waved sable, for meldrum; second and third, three unicorns' heads coupé sable, for Preston; and all within a bordure of the last; crest, a dexter hand holding a book; motto,—*mens immota manet*.

The name of Otterburn carries otters' heads relative to the name. Otterburn, of Redhall carries arms, argent *goutte de sable*, a chevron between three otters' heads coupé of the last, and, on a chief azure of crescent or.

Fullerton, in the shire of Ayr, carries arms, argent three otters' heads erased gules; crest, a camel's head; Motto, *Lux in tembris*; supporters, two savages wreathed about the head and middle with laurel all proper, holding in their hands branches of laurel.

There is a charter in the earl of Haddington's "*Collections*" of King Robert the Bruce, in the twenty-first year of his reign, to Galfredus Fullerton, of the lands of Fullarton; and to this wife Agnes and her heirs, as the king's fowler, in which office he and his successors were obliged to serve the king's house with wild fowl, when the king and his successors shall come to Forfar, where Fullarton was to be entertained with a servant and two horses.

THE ELEPHANT. This useful beast of burden is commended for its good qualities, and as the emblem of wit, docility and meekness, and sometimes is met with in armories as a supporter of the arms of Lord Oliphant relative to the name.



THE ELEPHANT OF JULIUS

The Julian family possessed an elephant named Cæsar which they had captured in the Punic war and brought to Rome. The name of Cæsar, which in the Punic language signifies brave,

had been given to that elephant and its warlike riders as a compliment for their bravery against the Romans in the Punic war. The surname of Cæsar having been assumed by the Julian family, became illustrious and defied in the person of Julius Cæsar accounted the first Roman Emperor after Pompey. This title was given to the first twelve emperors, but was afterwards exclusively reserved to the heir apparent of the empire.

Julius Cæsar landed in Britain with a Roman army, and their war elephants contributed to the defeat of the Britons. The representation of this animal became common in Briton. The elephant's proboscis as an armorial figure, flexed and reflexed in form of an s. is to be seen in the English herald books and sometimes as relative to the name of the bearer. The name of Elphinstan or Elfinston, in England, bears arms, gules, and elephant passant argent, tusked or.

THE BULL AND THE OX were emblems of labor and agriculture and the cow of fertility; besides these qualities they are carried as relative to the name of the bearer; their postures are ordinarily only passant, but the bull often *affraye*, that is, erected or salient. When their horns or hoofs are different tinctures from the borders they are said to be unguled and horned of such tinctures. The bull is sometimes represented with a collar about his neck, with bells from which he is said to be collared and belled.

The name of Belleville in English, carries arms, ermine, a bull passant, gules, horned and unguled or. The armorial bearings of the Episcopal see of Oxford are arms sable, a bar between three busts of the Queen, arrayed and veiled argent and crowned or; in chief and in base, an ox of the second passing over a ford proper; armed and unguled or.

The heads of bulls are frequent in arms, and, as other heads, represent the whole creature. The name of Turnbull carried arms, argent a bull's head erased, sable. The first of the name is said to have been one Ruel, who turned a wild bull by the head which violently ran against King Robert Bruce in Sterling Park, from which he got from the king the lands of Bedrule, and the name of Turnbull. Edward Howes, in his "History of England," mentions a man in the entourage of King

David Bruce at the battle of Haldonhill. He says, "a certain stout champion of great stature, who, for a feat by him done was called Turnbull, advanced before the Scot's army, and a great mastif dog with him, and challenged any of the English army to fight with him a combat. One, Sir Robert Venal, a Norfolk man, by the king of England's leave, took him and fought and killed him and his dog too." This gentleman's son, Sir James Turnbull, with Sir John Kaleburton, was killed near Nisbet Muir, in the Merse in an engagement with the English, in 1355.

The name of Bullen in England carries arms, a chevron azure between three bull's heads cabossed sable. These arms were carried by Thomas Bullen, grandson of Calfridus Bullen, lord mayor of London in 1453, father of Anne Bullen, marchioness of Pembroke, who was Queen to King Henry VIII. of England, and mother of Queen Elizabeth. Thomas Bullen was dignified with the title of earl of Wiltshire, and viscount of Rocheford, who, with his son and daughter, the queen, were beheaded May 19, 1536.

The canton of Uri, in Switzerland which signifies a wild bull, carries arms, or, the head of a bull cabossed with a ring through its nose gules.

Cows. The name of Cabez de Vacca in Spain carries cows' heads relative to the name: "The first of this family" says Faven in his "Theatre of Honour" "was one Martin, a great master of cows in Spain, who conducted the Christian army that was marching against the Mows, by whose good conduct the Christians fell upon them and routed them entirely in the plains of Tolosa; for which good service Alphonse, king of Leon, nobilitated Martin, and gave him the name of Cabez de Vacca, and for arms, cheque, gules and or, within a bordure azure, charged with six cows argent.

There is an ancient family in the shire of Tweeddale, in England by the name of Veitch or Vach who carries for arms, a cow's head erased. It is said that one of this family aided King Robert the Bruce in his extremities by bringing into his camp a herd of cows from the enemy for which he was called Vach or Vacca—a cow.

SHEEP. The **LAMB.** An old English work states that "The north of Arabia being unpopulated, the wandering tribes of shepherds, armed themselves and formed the holy alliance under the inspiration of the conductor angel of the north. They passed the isthmus of Suez, conquered Egypt, and set one of their pastoral chiefs as king on the throne of Osiris.

This warlike shepherd introduced into Egypt the annual oblation of an unblemished lamb or kid, sacred to their conductor angel Gabriel. In the north of Arabia the lamb, was stamped on the coins, which became the money of Egypt, but a scorpion was on the reverse. The letter was supposed to be the emblem of the Arabian arms, as dreadful to the Egyptians as that venomous insect, or perhaps as a sign of the arrival of the Arabs in October, in which month the scorpions visit that country with their desolating progress. At last the Egyptians recovered their independence under the chieftain styled Pharo, or revenger, who succeeded the pastoral dynasty, and from thence every shepherd was an abomination unto Egypt. The Arabian dynasty was then recorded in the annals of Egypt, but by the contemptuous appellation of the pastoral or shepherd kings. The lamb on the standards arms and coins was superseded by the face of Pharo, but the oblation of the lamb remained among the other animal sacrifices in Egypt as in the time of the shepherd kings.

SHEEP, the emblem of meekness and sign of fertility are carried in arms upon such account and also as relative to the name of the bearer. Shaff in Germany signifies sheep.

The name of Lamb bears relative to their name, arms, three holy lambs, one, two and one, carrying a staff and flag argent over their shoulders. Those of the name in England bear arms, gules, three holy lambs with banner rolls over their shoulders, argent, charged with a cross of the first being the cross of England. Robert Lamb, of Duncan on his seal of arms appended to a charter of his to Alexander, lord Home, great chamberlain of Scotland, in 1492, had three pilgrims' stars.

RAM'S HEADS are also used in arms, either couped, erased or cabossed. What is said of the sheep may also be said of the goat and its posture and parts in arms. The name of Bager,

in England, carries arms, gules a great passant argent; and the name of Gotly carries arms, ermine a goat's head erased and horned or, as relative to the name.

REPTILES, CREEPING THINGS, SERPENTS AND DEVICES OF THIS
CHARACTER DEFINED IN HERALDRY.

These various creeping things have a peculiar significance in the science of heraldry and are shown in armories in the various positions they occupy.

TOADS, FROGS, ETC. These are often represented as sitting in water without motion, which some call, in those positions, *the lording of the frogs*, their heads appearing above the water like helmets. When in this position in blazon they are said to be erected, as in the arms of Botreaux in England, viz: arms, argent three toads erect sable. Nicol Upton, an English writer, about the year 1428, referring to Lord Bolreux's arms, says: "*Que quidem amra olim postaverunt reges Francorum;*" and others following his line since have asserted that the kings of France, of old, carried three toads. This, however, is denied by Menestries.

THE TORTOISE signifies invulnerability to attack. It is said to be an enemy to vipers and for the delicacy of its flesh and beauty of shell is carried in arms. The name of Gowdie, in England, carries arms, vert a tortoise passant argent; and that of Cooper has arms, azure a tortoise erected or.

SNAILS. These are carried in the armorial bearings of the Shilly family of England, viz: arms, sable, a fesse between three house snails argent.

SERPENTS. These are made use of quite frequently in heraldry. They are said to be waved when they move forward; and then in blazon are said to be gliding; but when the serpent casts itself into a knot it is said to be nerved. Sleich, of Sleich House, carried arms, or, three piles issuing from the chief sable, and in base two serpents gliding fesse-ways in pale proper. The name of Ducat carries arms, argent, three serpents gliding fesse-ways in pale azure. The principality of Milan in Italy carried arms, a demi-infant gules issuing out of the mouth of a serpent gliding pale ways azure crowned or.

Menestrier, in referring to the arms of the ancient family of

Anglero, which comes from *angues*, a serpent, says: "of that branch of the family of Anglero were Princes of Milan of old, which have borne and still continue the arms of Milan, Monsieur Louis, of France, Duke of Orleans, who married the daughter and sole heir of Galiazo, Duke of Milan, carried armes—quarterly, first and fourth, Orleans, azure, seme of fleurs-de-lis or, in chief a label of three points argent; second and third, the arms of Milan as above blazoned, which were also used by other princes who had, or pretended right to the Duchy of Milan. Philip, of Spain, who married Queen Mary, of England, marshalled the arms of Milan with his own.

DRAGON. This is defined as a monstrous winged lizard or serpent. It seems to refer to any great monster, whether of land or of the sea, being, indeed more usually applied to some kind of a serpent or reptile. The scriptural symbol is to be sought in the union of gigantic power with craft and malignity of which the serpent is a natural emblem. It is frequently made use of in armory as supporters. It has been used as an



Albion and the Dragon

ensign both by the Roman and German Emperors. Sir Richard Baker, in his "History of England" says, "Uter Pendragon, king of the Britons, had portrayed on his ensign a dragon with a golden head."

The kings of Denmark have been accustomed to marshall in their achievement the arms of the duchy of Sleswick, viz: arms, gules, a dragon crowned or, ever since Christian, the first of that name, king of Denmark, united the duchy of Sleswick to Denmark, about the year 1448. The name of Kilgour carries arms, argent, a dragon with wings displayed within a bordure inwardly circle sable, charged with three crescents of the first.

The name of Drake in England carries arms, a serpent with wings (called by the English wivern) displayed and tail waved gules. Humphrey Brent, one of the commissioners of the customs in Scotland carries the same creature, and for crest a demi-wivern issuing out of the mouth.

THE DRAGON AND WIVERN. Poets feign that dragons sat bordering on riches and treasures which are committed to their charge because of their admirable sharpness of sight, and that they are supposed of all other horned creatures to be the most valiant. Horndon states that Cuthred, king of Wessex, bore a gold dragon at the battle of Bureford. King Arthur, it is stated, bore a red dragon. This creature is always represented as being encased in stout scales resembling armor. The Tudor sovereigns bore a red dragon as cognizance, but Queen Elizabeth changed the color to gold.

The wivern is a dragon represented with two legs only. The tail is nowed, or twisted into a single loop or knot and its signification is the same as that of the dragon.



OF FOWLS, BIRDS AND FEATHERED CREATURES OF LAND, AIR AND WATER.

THE EAGLE.—The Romans, under Agricola completed the conquest of the Briton by invading Caledonia (Scotland). The conquerors established the Roman heathenism or gentilism; they decreed the desecration of druidism, and symbolized Caledonia as the tutelar goddess of the country. The Celtic word Caledonja expressed the dark forests which covered that northern region. The Caledonians were divided into four localities: Mountains, meadows, woods and frontiers, limiting Britain from this they derived the four names of Highlanders, lowlanders, woodlanders, and borderers. They were subdivided into numerous clans or tribes, all painted on the body with their peculiar plaids or chequers. Previous to the conclusion of the conquest, the Romans had given the borderers the surname of pictis or painted, on account of their variegated plaids. The painters and sculptors represented Caledonia, bearing an eagle on her shield, either as an imperial sign, or on account of the great quantity of eagles flocking in the mountains of that alpine country. They gave her the attributes of war as a device of the long resistance of the highlanders against the conquerors.

THE EAGLE is more frequently used in armory than any other of the feathered tribe. This bird is called by the ancients the queen of birds, as the lion is said to be the king of beasts. They are both frequent in arms in all European countries. The



Eagle displayed.

black eagle is said to be the bravest bird, the emblem of magnanimity and fortitude of mind; and of such color was the eagle of the Roman emperors now used by the Germans, because the color black is the strongest color and appears at a great distance.

Caius Marius covered the eagle white to show his victory. Pompey had a white eagle in a blue field, and Julius Cæsar had it of gold in a red field to represent his eminency. Octavius after he had overcome his enemies and given peace to the world, reassumed the black eagle in a gold field; and it is continued in these tinctures, with the German emperors. And what is most to be observed is that the eagle appears with two heads, which seems to be contrary to nature, for the rule in armories is that every creature ought to be placed in its natural form if there be no special reason for doing otherwise.

There are various opinions both of antiquarians and heralds about the time or reason when and why the imperial eagle came to be represented with two heads. Some assert that it was used by the Roman emperors, and adduce for proof the pillars. Trajan, on which was engraved a soldier with a shield charged with an eagle with two heads which Julius Lipsius testifies to. Others claim that it could not be the imperial eagle, which no soldier durst presume to carry, and they tell us that it was only a sign or token of the union of two legions in one, or of one legion under the command of two generals. It is also said that the Germans were the first to carry an eagle with two heads from the defeat they gave to Varus when they took two standards of two legions commanded by him. Other writers are of the opinion that the emperors of the East long after the division of the empire were the first to carry the eagle with two heads, for the reason that there were often two emperors together on the throne who had their effigies together on one side of their seals and coins, but on the other side thought not fit to have two shields with one and the same figure, but one shield in which they placed the two eagles, one above the other, with their heads separate; and which practice was afterwards imitated by the emperors of the Western Empire upon the decay of the Eastern, especially by Sigismund, who joined both the eagles together with their heads separate to show the sovereignties of the two emperors conjoined in his person, which practice was continued by his successors. This appears to be the most plausible reason for the imperial eagle with two heads, which heralds have

always used to blazon, a double eagle displayed, when its wings are expanded and its breast fully seen.

When eagles or other birds of prey have their beaks, legs, and talons of different color from their borders, they are then said to be beaked, membered and armed of such tinctures. The two heads of the imperial eagle are surrounded with an amulet or circle gules, for which it is said to be diadematee, which is peculiar to the imperial eagle, and a more sovereign sign than to be crowned as the eagles of other princes are. Diadematee is a peculiar mark of dignity of the imperial eagle, but other princes' eagles may be crowned with open or close crowns and said to be cononnee, and not diadematee.

The imperial ensign of the Roman emporer is blazoned, arms, or, a double eagle with two heads displayed sable, diadematee, beaked, membered and armed gules. Charles the Grand of France, and the successors of his body, as emperors of Germany, carried the imperial eagle of a different tincture, and in a field of different color. When the German emperors came in after the extinction of the French emperor they carried the arms of the empire as before with the escutcheon of the proper arms of the families they came from; as do those of the house of Austria.

The imperial eagle, on seals, coins and paintings has been sometimes represented, not in shield, but by way of supporters, having on its breast the shield of arms of the family the present emperor, and its two heads always diadematee; and above them, in the middle, is placed an imperial crown with pendants, and the eagle's right foot holds a sword, and the left a sceptre pale-ways proper.

(To be Continued).



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THE ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

(A Reply to Mr. Theodore Schroeder)

II

THE "SECOND" SPAULDING MANUSCRIPT

LET it constantly be borne in mind that the existence of a second Spaulding manuscript, on the subject of ancient America and its inhabitants, and entirely different from the one at Oberlin, is not heard of until after the unearthing of the manuscript, (now at Oberlin) by Hurlburt, and the consequent disappointment of the conspirators on finding it so utterly lacking in the features necessary to make it appear probable that it was the basis of the Book of Mormon. Howe's book was not published until after the return of Hurlburt from Massachusetts with this disappointing manuscript.

Not one of this group of eight witnesses whose testimony Howe publishes says one word about a "second manuscript" on the subject of ancient America. The only witnesses of the group who say anything at all about any other manuscripts by Spaulding are John M. Miller, Aaron Wright, and Artemas Cunningham. The first says, in speaking of Spaulding, "He had written two or three books or pamphlets on different subjects; but that which more particularly drew my attention was one which he called the "Manuscript Found."⁵⁶ The second says, "Spaulding had many other manuscripts, which I expect to see when Smith translates his other plate."⁵⁷ The third simply

56. Howe's "Mormonism Unveiled," p. 283.

57. Ibid. p. 284.

uses the word "manuscript" in the plural when referring to the writings of Spaulding, thus; "Before showing me his *manuscripts*, he went into a verbal relation of *its* outlines, saying that *it* was a fabulous or romantic history of the first settlement of the country, and as it purported to have been a record buried in the earth or a cave, he had adopted the ancient style of writing. He then presented his *manuscript*, when we sat down and spent a good share of the night in reading them."⁵⁸ It is quite clear that this witness really refers to but one manuscript, though he uses the plural form of the word; leaving only two of this group who refer to more than one manuscript of Spaulding's, and neither of these claim that the other manuscript dealt with subjects relating to ancient America, unless the sneering remark of Aaron Wright to the effect that he expected to see more of Spaulding's manuscripts "when Smith translates his other plate," can be tortured into such a reference.

There is no word then in the signed statement of these witnesses making reference either to a second manuscript on the subject of the ancient people of America, nor any reference made to Spaulding rewriting, or recasting his story "Manuscript Found." Mr. Howe, however, says that the manuscript brought to him by Hurlburt, (and now at Oberlin) was shown to these Conneaut witnesses and that they recognized it as Spaulding's; "he having told them that he had altered his first plan of writing, by going farther back with dates, and writing in the old scripture style, in order that it might appear more ancient. They say that it bears no resemblance to the "Manuscript Found."⁵⁹ This, however, is only what Mr. Howe says these witnesses said, and is not their testimony at all, as Mr. Schroeder must know since he makes some pretence to a professional knowledge of the law; it is the assertion only of Mr. Howe, it must be remembered; and from his relationship to this controversy, being the author of a book that was a vicious attack upon the Mormon Church; from his association with such men as Hurlburt, Bently *et al.* whose purpose it was "to up-root this Mormon fraud;" from the fact of his bitterness, because of the

58. Ibid. p. 286-7.

59. Ibid. p. 288.

membership of his wife and sister in the Mormon Church—he is not a reliable witness in the case. On the contrary he is a very unreliable witness, as will be shown more completely later, and one marvels that in a case so important, Mr. Howe did not get a statement direct and over the signatures of these Conneaut witnesses, instead of contenting himself by reporting what he alleges they had said to him.

Since these Conneaut witnesses, then, do not testify as to the existence of any second manuscript of Spaulding's dealing with the ancient inhabitants of America, of what exact value is their testimony? The whole eight claim to have heard Solomon Spaulding read his manuscript story; they have all read or heard read parts or all of the Book of Mormon; four of them say that the colony of Spaulding's story came from Jerusalem; four of them say that Spaulding represented the Indians as the lost tribes of Israel; seven recognized in the Book of Mormon a number of names and phrases as identical with the names and phrases of Spaulding's manuscript story; two say that the colony of Israelites of Spaulding's story separated into two distinct peoples or nations, as the colony of Lehi, according to the Book of Mormon, did; and in a general way the whole eight may be said to claim that the historical parts of the Book of Mormon and those of the Spaulding story agree; five of them declare the absence of religious matter in the Spaulding manuscript, and two of them, say it was written in the "old style." Such is the substance of the testimony of this group of witnesses.⁶⁰

Now let it be remembered that Spaulding resided in this Conneaut neighborhood something less than three years;⁶¹ these witnesses, his neighbors, heard occasional readings of his manuscript story, which from twenty-one to twenty-four years later they assume to identify with another literary production, the Book of Mormon; and identify it, too, in respect of several very minute and particular things. Are we not asked here to accord to human recollection a vividness and power which, to say the

60. Ibid. chapter xix.

61. See statement of John Spaulding, brother to Solomon Spaulding, who fixes date of arrival of the later at Conneaut in 1809 (Howe's *Mormonism*, p. 279); and all witnesses agree that he left for Pittsburg in 1812.

least of it, is very exceptional? Who were these people—these witnesses whose testimony Mr. Schroeder relies upon to “clinch” the charge of plagiarism upon those responsible for the existence of the English translation of the Book of Mormon? Who vouches for the extraordinary intelligence with which they must have been endowed to accomplish the feat of memory ascribed to them, if their testimony is credited? Who knows them and vouches for their honesty, another consideration to be taken into account before their testimony may be wholly satisfactory? Mr. Howe vouches for them (we might say, “of course”!). He says they are all “most respectable men, and highly esteemed for their moral worth, and their characters for truth and veracity, are unimpeachable. In fact the word of any one of them would have more weight in any respectable community than the whole family of Smiths and Whitmers, who have told about hearing the voice of an angel.”⁶²

THE FAILURE OF HOWE’S BOOK

But we have already seen from the nature of things Howe cannot be regarded as a reliable witness in this controversy. And as for putting these witnesses in contrast with the “Smiths and the Whitmers”, it must be remembered that the latter have back of their testimony a life of danger, toil, poverty, suffering, and in some cases martyrdom itself, all endured in support of, and on account of the testimony they bore as to the origin of the Book of Mormon;⁶³ while no such good earnest of veracity stands back of this Conneaut group of Mr. Schroeder’s witnesses; and the mere word of Mr. Howe does not give sufficient guarantee of their “character for truth and veracity.” Certainly what they stated about the Book of Mormon could not have been regarded as of any great weight, since in spite of the publication of their testimony right in the section of the state of Ohio where most of these witnesses lived, people went on

62. “Mormonism Unveiled” p. 281.

63. The force and value of the testimony of these witnesses is considered at length in the “Young Men’s Manual” (Mormon), for 1904, chapters xv to xxi, inclusive. This work is new in course of revision and will soon be published under the title “New Witnesses for God,” Vol. II. For the value of this kind of testimony see Paley’s “Evidences,” Proposition II, Chapter 1, also the present writer’s “New Witness for God,” Vol. I, Chapter XVII.

believing the testimony of the "Smiths and the Whitmers" as against that of the Conneaut witnesses, by becoming members of the Church of the Latter-day Saints. The years between 1833, and 1837, years in which this Hurlburt—Howe—Bently—Campbell—Clapp—Spaulding agitation was going on, the growth of the church was most rapid, and north-eastern Ohio was the most fruitful of its proselyting fields. It took six years to sell the first edition of Howe's book, as the second edition was not published until 1840. Relative to the influence of Howe's book, and two other anti-Mormon productions published in north-eastern Ohio, just before Howe's book, Elder Orson Hyde, writing from Kirkland after a missionary tour through a number of surrounding towns and country districts, wrote the "Messenger and Advocate," under date of May 4th, 1836, of which the following passage is an excerpt:

"The first weapon raised against the spread of truth, of any consideration in this country, was the wicked and scurrilous pamphlet published by A. Campbell. Next, perhaps, were the letters of Ezra Booth; and thirdly, "Mormonism Unveiled," written by Mr. E. D. Howe, alias "Dr." P. Hurlburt. These were designed severally in their turn for the exposure and overthrow of Mormonism, as they termed it; but it appears that heaven has not blessed the means which they employed to effect their object. No weapon raised against it shall prosper. The writings of the above named persons, I find, have no influence in the world at all; for they are not even quoted by opposers, and I believe for no other reason than that they are ashamed of them".⁶⁴

Elder Parley P. Pratt, about 1839-40, in answering an attack on the Book of Mormon in *Zion's Watchman*, said:

"In the west, whole neighborhoods embraced Mormonism, after this fable of the Spaulding story had been circulated among them. Indeed, we never conceived it worthy of an answer, until it was converted by the ignorant and impudent dupes or knaves, in this city, who stand at the head of certain religious papers, into something said to be positive, certain, and not to be disputed!"⁶⁵

64. *Messenger and Advocate*, p. 296.

65. Thompson's "Evidences" (1841) pp. 182-3; also "Origin of the Spaulding Story," (Winchester) p. 13.

THE CONNEAUT WITNESSES

There remains yet to be considered how much these obscure Conneaut witnesses were flattered by the prospect of coming to be regarded as persons of importance by their connection with this movement against Mormonism, a consideration by no means of slight importance if they were, as is most likely the case, ignorant men and religious fanatics. Also it must be asked to what extent they were under the influence of the conspirators, Hurlburt, Howe, *et al*, and to what extent they shared the sectarian bitterness of these men against Mormonism. It should be remembered that it is beyond all human probability that they could remember the things about Spaulding's manuscript story that they say they recollect after an elapse of from twenty-one to twenty-four years. Think what the recollection of these Conneaut witnesses respecting the old Spaulding manuscript would have been had one gone into the community to make inquiries about it after an elapse of more than twenty years, and before anything had been heard of the existence of the Book of Mormon!

But it will be said that this is not altogether a fair test on which to build a contrast between what could be recalled without the aid of associated ideas and incidents, and what could be remembered when associated ideas and really similar or identical incidents, names, and phrases, though long forgotten, were repeated. One must necessarily concede something to such a contention. But on the other hand, let it be conceded what a fertilizing effect the recent reading of the Book of Mormon would have on the minds of these witnesses anxious to testify against it! What an awakening effect it would have on the minds of witnesses full of fanatical zeal against what they considered a religious innovation; on the minds of witnesses tempted by the prospect of being lifted from obscurity to a position of importance in their little world; on the minds of witnesses doubtless leagued with crafty conspirators full of bitterness, and confessedly determined "to up-root this Mormon fraud." With the Book of Mormon in their hands from which to refresh their minds as to names and incidents, of course they

will "remember" that Spaulding's colony came from Jerusalem; that he represented the American Indians as descendants of the lost tribes (ignorantly supposing that such was the representation of the Book of Mormon in the matter);⁶⁶ that the names of the chief characters in the Spaulding story were "Lehi and Nephi," and one "remembers" that the place where Spaulding landed his colony was near the straights of Darien, which he is "confident" was called "Zarahemla"; while another, that the colonists separated and became two nations and had many great and cruel wars; that the phrases "I, Nephi"; and, "It came to pass," were frequently used in the Spaulding story, just as they were used in the Book of Mormon! All this they "very well remember"—after reading the Book of Mormon! One very striking thing that was "remembered" in 1834 at Conneaut, in this connection, is not mentioned by any one of the group of eight witnesses; it is a thing Mr. Howe missed entirely, and that Mr. Schroeder has not used, though the minuteness of his researches into all things Mormon must forbid us thinking that he has not come in contact with it. Mrs. Ellen E. Dickinson brought the matter into view as late as 1885, in her book so frequently quoted by Mr. Schroeder, "New Light on Mormonism." This lady, a grand-niece of Solomon Spaulding's wife, says:

"Of the old stories told at Conneaut, in 1834, in connection with Solomon Spaulding, was one to the effect that he told his neighbors at the time he entertained them with his romance, that his "Manuscript Found" was a translation of the "Book of Mormon," and he intended to publish a fictitious account of its having been discovered in a "cave, in Ohio," as an advertisement, to advance its sale, when his book was printed."⁶⁷

Why did not Mr. Howe publish this precious item—this "odd" story "told at Conneaut in 1834"? Why does not Mr. Schroeder at least make use of it as among his "clenching" evidences of

66. Nearly all anti-Mormon writers make this blunder, and thereby exhibit their shallow knowledge of the subject. In the colony of Lehi were descendants of the tribe of Manasseh and Ephraim, descendants of the patriarch Joseph, but no where does it claim that the inhabitants of America are descendants of the "lost tribes." For an exhaustive treatise of the subject, see the "Young Men's Manual," 1905-6, Chapter XXXV.

67. "New Light on Mormonism," p. 80.

the plagiarism of the main part of the Book of Mormon by Sidney Rigdon, Joseph Smith *et al*? Is it possible that this was even too "raw" for Mr. Schroeder's stout stomach, which is capable of digesting everything anti-Mormon, from "pap to steel?" Or is it so that this bald statement is an out-growth of the "recollection" process operating at Conneaut after Howe's record was closed? And that here we see the process of "recollection" at work in these Conneaut witnesses, which expands the dim consciousness that an old, excentric minister, from twenty-one to twenty-four years ago, lived among them two or three years—read to them some kind of a story about the ancient people of America, the manuscript of which he feigned to have found in a stone box in a cave—into that remarkable recollection of similarity of names, phrases and historical incidents to be found in their signed statements in Howe's book, until finally, if advocates of the Spaulding theory of origin for the Book of Mormon would but admit into their collection this "odd" story unearthed by Mrs. Dickinson, they might "prove" that Mr. Spaulding's story "Manuscript Found," was a translation of the Book of Mormon,"—and what a victory that would be, O, my countrymen!

E. D. HOWE DISCREDITED AS A WITNESS

The reader who will follow me through this review of Mr. Schroeder's evidence and argument, will find by the time the review closes that these Conneaut witnesses—incompetent and weak as they are as witnesses—and Mr. Howe's "Mormonism Unveiled," are the very heart of this whole Spaulding theory of the origin of the Book of Mormon. We have seen, in part, how flimsy and incompetent are the eight Conneaut witnesses, on whom Mr. Schroeder relies to "clinch" his evidence of the plagiarism of the Book of Mormon; let us now see how unworthy of belief is Mr. E. D. Howe.

Mr. Howe at the time he was preparing his book, "Mormonism Unveiled", 1833-4, represents the position of the Church to be as follows, in respect of the several matters stated:

"About this time an opinion was propagated among them, that

they should never taste death, if they had sufficient faith. They were commanded to have little or no connexion with those who had not embraced their faith, and everything must be done within themselves. Even the wine which they used at their communion, they were ordered to make from cider and other materials. All diseases and sickness among them were to be cured by the Elders, and by the use of herbs—denouncing the physicians of the world, and their medicines, as enemies to the human race.”⁶⁸

And then he makes this sneering remark, and emphasizes it with an index hand pointing to it:

“They had one or two root doctors among them, for whose benefit it is presumed the Lord made known his will, if at all.”

In refutation of these slanders, I quote the revelation by which the Saints were governed in the particulars here named by Howe; a revelation which to the saints of course was the law of God, and which revelation Mr. Howe garbled into the statement above quoted:

“And whosoever among you that are sick, and have not faith to be healed, but believeth, shall be nourished in all tenderness with herbs and mild food, and that not of the world. And the elders of the church, two or more, shall be called, and shall pray for and lay hands upon them in my name, and if they die they shall die unto me, and if they live they shall live unto me. Thou shalt live together in love, in so much that thou shalt weep for the loss of them that die, and more especially for those that have not hope of a glorious resurrection. And it shall come to pass, that those that die in me, shall not taste of death, for it shall be sweet unto them; and they that die not in me, woe unto them, for their death is bitter! And again, it shall come to pass, that he that has faith in me to be healed, and is not appointed unto death, shall be healed; he who has faith to see shall see; he who has faith to hear shall hear: the lame who have faith to leap shall leap; and they who have not faith to do these things, but believe in me, have power to become my sons; and in as much as they break not my laws, thou shalt bear their infirmities.”⁶⁹

This was given to the Church as a law, February 9th, 1831.

68. Howe's "Mormonism Unveiled," p. 124.

69. "Doctrine and Covenants," section xxvii. "History of the Church," Vol. I, p. 106.

The revelation was published in the *Evening and Morning Star*, Missouri, Vol. I, Number 2, July, 1832, more than two years before Mr. Howe's book was published. (I quote from the original *Star* of 1832, not the Kirtland reprint). I challenge Mr. Schroeder and the religious literature of the world for a passage more beautifully sympathetic concerning the sick and those who die, than this passage. And it completely convicts the star witness for this Spaulding theory of the origin of the Book of Mormon of vile misrepresentation of the saints and the church in several important particulars. So far is the revelation from creating the impression that the saints should never "taste of death," in the sense that they should never die, that it expressly directs what course shall be taken in respect of those who die, both in the case of those who have, and those who have not the hope of a glorious resurrection. As to wine used at communion being made from "cider and other materials," the law of the church is found in a revelation given in September, 1830, as follows:

"Wherefore, a commandment I give unto you, that you shall not purchase wine, neither strong drink of your enemies: wherefore, you shall partake of none, except it is made new among you; yea, in this my Father's kingdom, which shall be built up on the earth."⁷⁰

One looks in vain for the "cider and other materials" in this commandment as to the Sacrament; just as he looks in vain for the denunciations of "The physicians of the world and their medicines as enemies of the human race." The effort of Mr. Howe in these several particulars was to make the saints ridiculous; he succeeds only in making himself contemptible. And let no one say that Mr. Howe does not allude to the revelations here quoted in refutation of his false accusation, but to opinions propagated outside of these authoritative utterances of the Church. The phraseology employed by Mr. Howe and the allusions to death, sickness, healing, the use of herbs, etc., follows too closely the revelation, as also his allusion to the Lord making "known his will," to admit of such an excuse or defense.

70. "Doctrine and Covenants," section 27.

THE DAVISON STATEMENT

The next testimony to be examined as to the Spaulding theory of the origin of the Book of Mormon is an alleged statement of Mrs. Matilda Davison, formerly the wife of Solomon Spaulding. Spaulding died in 1816, and four years later Mrs. Spaulding married Mr. Davison, of Hartwicks, New York. The alleged statement of Mrs. (Spaulding) Davison first appeared in the *Boston Recorder*, in April, 1839, and was widely copied by the religious press of the eastern states.

It was intended by its authors to help out the Spaulding theory in several particulars; first, in that the Spaulding manuscript was written in "ancient style; and as the Old Testament is the most ancient book in the world he (Spaulding) imitated its style as nearly as possible"; second, that the manuscript that Spaulding feigned to have found was "written by one of the lost nation;" third, that it was recovered from the earth; fourth, that a connection is established between Spaulding and Patterson, and that the latter told Spaulding to write a title page and preface to his story, and he (Patterson) would publish it; fifth, that a relationship is established by it between Rigdon and Patterson; and sixth, that there was "spontaneity" in affirming the identity between the Book of Mormon and Spaulding's "Manuscript Found" at Conneaut, when the Book of Mormon was publicly read there.⁷¹ On account of the peculiar attitude of Mr. Schroeder towards this Davison statement; as also on account of the methods of creating the materials for the Spaulding theory disclosed by the history of this document, it is important that it should be published *in extenso*:

ALLEGED STATEMENT OF MRS. DAVISON, FORMERLY THE WIFE OF SOLOMON SPAULDING.

"As the Book of Mormon, or Golden Bible (as it was originally called) has excited much attention, and is deemed by a certain new sect of equal authority with the Sacred Scriptures,

71. The Davison statement is published in the *Boston Recorder* April, 1839; Smucker's "Mormonism," p. 41 *et seq.* "Gleanings by the Way," p. 250, *et seq.*; and many other anti-Mormon books.

I think it a duty which I owe to the public to state what I know touching its origin.

"That its claims to a divine origion are wholly unfounded needs no proof to a mind unperturbed by the grossest delusions. That any sane person should rank it higher than any other merely human composition is a matter of the greatest astonishment; yet it is received as divine by some who dwell in enlightened New England, and even by those who have sustained the character of devoted Christians. Learning recently that Mormonism had found its way into a church in Massachusetts, and has impregnated some with its gross delusions, so that excommunication has been necessary, I am determined to delay no longer in doing what I can to strip the mask from this mother of sin, and to lay open this pit of abominations.

"Solomon Spaulding, to whom I was united in marriage in early life, was a graduate of Dartmouth College, and was distinguished for a lively imagination, and a great fondness for history. At the time of our marriage he resided in Cherry Valley, New York. From this place, we removed to New Salem, Ashtabula county, Ohio, sometimes called Conneaut, as it is situated on Conneaut Creek. Shortly after our removal to this place, his health sunk, and he was laid aside from active labors. In the town of New Salem there are numerous mounds and forts supposed by many to be the dilapidated dwellings and fortifications of a race now extinct. These ancient relics arrest the attention of the new settlers, and become objects of research for the curious. Numerous implements were found, and other articles evincing great skill in the arts. Mr. Spaulding being an educated man, and passionately fond of history, took a lively interest in these developments of antiquity; and in order to beguile the hours of retirement and furnish employment for his lively imagination, he conceived the idea of giving an historical sketch of this long lost race. Their extreme antiquity led him to write in the most ancient style, and as the Old Testament is the most ancient book in the world, he imitated its style as nearly as possible. His sole object in writing this imaginary history was to amuse himself and his neighbors.

"This was about the year 1812. Hull's surrender at Detroit occurred near the same time, and I recollect the date well from that circumstance. As he progressed in his narrative the neighbors would come in from time to time to hear portions read, and a great interest in the work was excited among them. It claimed to have been written by one of the lost nation, and to have been recovered from the earth, and assumed the title of 'Manuscript Found.' The neighbors would often inquire how Mr. Spaulding

progressed in deciphering the manuscript; and when he had a sufficient portion prepared, he would inform them, and they would assemble to hear it read. He was enabled, from his acquaintance with the classics and ancient history to introduce many singular names, which were particularly noticed by the people, and could be easily recognized by them. Mr. Solomon Spaulding had a brother, Mr. John Spaulding, residing in the place at the time, who was perfectly familiar with the work, and repeatedly heard the whole of it read. From New Salem we removed to Pittsburg, in Pennsylvania. Here Mr. Spaulding found a friend and acquaintance, in the person of Mr. Patterson, an editor of a newspaper. He exhibited his manuscript to Mr. Patterson, who was very much pleased with it, and borrowed it for perusal. He retained it for a long time, and informed Mr. Spaulding that if he would make out a title page and preface, he would publish it, and it might be a source of profit. This Mr. Spaulding refused to do. Sidney Rigdon, who has figured so largely in the history of the Mormons, was at that time connected with the printing office of Mr. Patterson, as is well known in that region, and as Rigdon himself has frequently stated, became acquainted with Mr. Spaulding's manuscript, and copied it. It was a matter of notoriety and interest to all connected with the printing establishment. At length the manuscript was returned to its author, and soon after we removed to Amity, Washington county, etc., where Mr. Spaulding deceased in 1816. The manuscript then fell into my hands, and was carefully preserved. It has frequently been examined by my daughter, Mrs. M'Kenstry, of Monson, Mass., with whom I now reside, and by other friends.

"After the Book of Mormon came out, a copy of it was taken to New Salem, the place of Mr. Spaulding's former residence, and the very place where the manuscript found was written. A woman preacher appointed a meeting there; and in the meeting read and repeated copious extracts from the Book of Mormon. The historical part was immediately recognized by all the older inhabitants, as the identical work of Mr. Spaulding, in which they had all been so deeply interested years before. Mr. John Spaulding was present and recognized perfectly the work of his brother. He was amazed and afflicted that it should have been perverted to so wicked a purpose. His grief found vent in a flood of tears, and he arose on the spot, and expressed to the meeting his sorrow and regret that the writings of his deceased brother should be used for a purpose so vile and shocking. The excitement in New Salem became so great, that the inhabitants had a meeting, and deputed Dr. Philastus Hurlburt, one of their

numbers, to repair to this place and to obtain from me the original manuscript of Mr. Spaulding, for the purpose of comparing it with the Mormon Bible, to satisfy their own minds, and to prevent their friends from embracing an error so delusive. This was in the year 1834. Dr. Hurlburt brought with him an introduction and request for the manuscript, which was signed by Messrs, Henry Lake, Aaron Wright, and others, with all of whom I was acquainted, as they were my neighbors when I resided at New Salem. I am sure that nothing would grieve my husband more, were he living, than the use which has been made of his work. The air of antiquity which was thrown about the composition, doubtless suggested the idea of converting it to the purpose of delusion. Thus an historical romance, with the addition of a few pious expressions, and extracts from the sacred Scriptures, has been construed into a new Bible, and palmed off upon a company of poor deluded fanatics as divine. I have given the previous brief narration, that this work of deep deception and wickedness may be searched to the foundation and the authors exposed to the contempt and execration they so justly deserve.

(Signed)

“MATILDA DAVISON.”

Briefly stated the history of the above document is this: Mormon missionaries make their appearance in Holliston, Massachusetts, and are successful in making some converts to their faith, among them several members and a deacon of the Presbyterian Church of that place. Whereupon the Reverend John Storrs, the pastor of this church, becoming concerned for his flock, and having learned of the Spaulding theory, he writes to his friend, the Reverend D. R. Austin, residing near Monson, where Mrs. (Spaulding) Davison was making her home with her daughter, Mrs. McKinstry, and urges him to secure a statement from her as to the connection between the writings of her late husband and the Book of Mormon. Mr. Austin made some inquiries of the old lady, wrote down notes as to her answers, then through the Reverend Dr. Storrs publishes this product as a signed statement of Mrs. Davison! The facts came out respecting this document in a letter of Mr. John Haven, of Holliston, Middlesex Co., Mass., to his daughter, Elizabeth Haven, of Quincy, Adams Co., (Illinois) which was published in the *Quincy Whig*. It represents that Jesse Haven, the brother of Elizabeth

Haven, to whom the letter is addressed, called upon Mrs. Davison and Mrs. McKinstry at their home in Monson, Mass., and spent several hours with them, a Dr. Ely also being present. During this interview Mr. Haven asked the following questions of Mrs. Davison.

THE HAVEN-DAVISON INTERVIEW

“Did you, Mrs. Davison, write a letter to John Storrs, giving an account of the origin of the Book of Mormon? Ans: I did not. Did you sign your name to it? Ans: I did not, neither did I ever see the letter until I saw it in the *Boston Recorder*, the letter was never brought to me to sign. Ques: What agency had you in having this letter sent to Mr. Storrs? Ans: D. R. Austin came to my house and asked me some questions, took some minutes on paper, and from these minutes wrote that letter. Ques. Is what is written in the letter true? Ans: In the main it is. Ques: Have you read the book of Mormon? Ans: I have read some of it. Ques: Does Mr. Spaulding’s manuscript, and the Book of Mormon agree? I think some few of the names are alike. Ques: Does the manuscript describe an idolatrous or a religious people? Ans: An idolatrous people. Ques: Where is the manuscript? Ans: Dr. P. Hurlburt came here and took it, said he would get it printed and let me have one-half the profits. Ques: Has Dr. P. Hurlburt got the manuscript printed? Ans: I received a letter stating it did not read as they expected and they should not print it. Ques: How large is Mr. Spaulding’s manuscript? Ans: About one third as large as the Book of Mormon.”⁷²

In addition to fixing the character of the Davison statement, it is quite remarkable how well the answers of Mrs. Davison describe the character of the Spaulding Manuscript now at Oberlin, and not at all the manuscript described by the Conneaut witness, or the manuscript generally contended for by the upholders of the Spaulding theory of the Book of Mormon origin. Mr. Schroeder, however, insists that “the dishonesty of the original publication of the Haven interview is pointed out in ‘Gleanings

⁷² *Times and Seasons*, Vol. I, (1839) p. 47. Not having access to the *Quincy Whig*, I quote this passage from the “Times and Seasons” as being most reliable, because published shortly after the letter appeared in the Quincy paper, and practically in the same neighborhood. This to insure the accuracy of the passage over which there is some controversy as will appear later.

by the Way'.⁷³ But is it? The Rev. John A. Clark, D. D., author of "Gleanings by the Way," published the alleged Davison statement in the *Episcopal Recorder* after which he came in contact with the Haven contradiction quoted above. Whereupon he wrote to the Reverend John Storrs who was responsible for the publication of the Davison statement. In the course of his reply to Mr. Clark's inquiries, Mr. Storrs said:

"It is very true Mrs. Davison did not write a letter to me, and what is more, of course, she did not sign it. But this she did do, and just what I wrote you in my former letter I supposed she did: she did sign her name to the original copy as prepared from her statement by Mr. Austin. This original copy is now in the hands of Mr. Austin. This he told me last week."⁷⁴

The last sentence gives the exact value of this testimony, Mr. Austin told Mr. Storrs that Mrs. Davison had signed the statement. Mr. Storrs himself knew nothing about it beyond what Mr. Austin told him. This Mr. Schroeder, as a professional lawyer, knows is not testimony. But the Reverend Clark wrote Reverend Austin also, and Reverend Austin replied, in which the following occurs:

"The circumstances which called forth the letter published in the *Boston Recorder* in April, 1839, were stated by Mr. Storrs in the introduction to that article. At his request I obtained from Mrs. Davison a statement of the facts contained in that letter, and wrote them out precisely as she related them to me. She then signed the paper with her own hand, which I have now in my possession. Every fact as stated in that letter was related to me by her in the order they are set down."⁷⁵

The statement of the Reverend Mr. Austin of course faultly contradicts that of Mrs. Davison; and when the contradiction is between a reverend gentleman on the one hand, and a venerable lady, the wife of a former but retired minister, (Reverend Mr. Spaulding) on the other, one may be justified in declining the delicate task of determining on whose side the truth lies; unless it may be found, as I think it may, otherwise than by directly

73. *American Historical Magazine*, September, 1906, p. 396, note 44.

74. "Gleanings by the way," p. 262.

75. "Gleanings by the Way," p. 264.

passing judgment upon the veracity of either of these worthy parties.

MRS. ELLEN E. DICKINSON'S REPUDIATION OF THE DAVISON STATEMENT.

Not only have we the denial of Mrs. (Spaulding) Davison as to this document not being signed by her, but we have the manifest contempt shown for it by Mrs. Ellen E. Dickinson, grand-niece of Mrs. (Spaulding) Davison. Mrs. Dickinson was the grand daughter of Wm. H. Sabine, already mentioned in these pages, the brother of Mrs. (Spaulding) Davison. Mrs. Dickinson wrote her "New Light on Mormonism" as the representative of the Spaulding family, to set forth "the family traditions" in relation to the subject, and represents her work as being "the only attempt of the Rev. S. Spaulding's relatives to set this matter in its proper light, a duty long delayed to the memory of an upright man!"⁷⁶

Mrs. Dickinson devotes a number of her chapters to the elaboration of the Spaulding theory, and in an appendix publishes twenty-seven documents bearing either remotely or immediately upon the subject of the Spaulding manuscript; but the Davison statement is not admitted into the number, though indirectly, but without naming it, she makes a slight quotation from it respecting John Spaulding, brother of Solomon, who by the Davison statement is represented as being "amazed and afflicted that his brother's writings should have been perverted for such a wicked purpose." (i. e. as forming the basis for the Book of Mormon.)

These words occur in the Davison statement and no where else. Mrs. Dickinson quotes them at page 79 of her book. As the source of her authority for the statement she gives reference to the appendix of her book, note 13. We turn to note 13 only to find that we are directed to "John Spaulding's statement—see No. 4". We turn to "No. 4", only to find the statement of John Spaulding as given in Howe's book in 1834, with not a word about his being "amazed and afflicted," or that "his grief found vent in a flood of tears," etc., also quoted

76. "New Light on Mormonism," preface, p. 4.

by Mrs. Dickinson from the Davison statement, and found no where else, and of which there is nothing in the note in the appendix of her book, which she cites as the authority for her statement.⁷⁷ This smacks of juggling with the Davison statement.

Mrs. Dickinson would not admit the Davison document into her collection of such papers, knowing doubtless its history; nor is she willing to deny to her narrative the rich dramatic effects infused into it, by the "Reverend" forger of it. We shall see further on how Mr. Schroeder manifests the same disposition towards it. That is, he repudiates its being a statement made by Mrs. Davison, but still he would retain this precious piece of hysteria on the part of John Spaulding—the "amazement," the "affliction," and, above all, "the flood of tears;" not to adorn a tale, as in the case of Mrs. Dickinson, but to show the "spontaneity" with which the people of Conneaut detected the identity between Spaulding's "Manuscript Found" and the Book of Mormon.⁷⁸

But to return to Mrs. Dickinson. If she had done her full duty in the premises as an author, she would have made reference to this forged statement credited to her grand-aunt and repudiated it in her name; but such a course is scarcely to be looked for in an anti-Mormon author, of especial bitterness. However, her silence respecting it, and her refusal to admit it into the collection of her documents in the appendix to her book, amounts to the same thing, the repudiation of it by the Spauldings.

REVEREND JOHN A. CLARK AND THE DAVISON STATEMENT.

Before proceeding further as to this Davison statement, in a direct line, just a word in relation to the Reverend John A. Clark, author of "Gleanings by the Way," and the spirit he is of. He prefaces his investigation of this Davison statement by saying that he does not think "that the truth or falsehood of Mormonism, in any degree turns upon the correctness or incorrectness of the foregoing statement of Mrs. Davison." Then

77. "New Light on Mormonism," p. 79; also appendix No. 13, No. 4, No. 14. "The New Light" appears a bit unsteady at this point.

78. *American Historical Magazine*, January, 1904, pp. 71, 72.

continues—"for deceit and imposture are enstamped upon every feature of this monster, evoked by a money digger and a juggler, from the shades of darkness"! This man is evidently in fine temper to act the impartial judge—to point out "the dishonesty of the original publication" of the Haven-Davison interview, quoted in the foregoing pages. But this is only a partial exhibition of the Reverend gentleman's state of mind in the matter, and we would not do him an injustice.

Following the above ebullition of bitterness he immediately adds this pious thought, in the hope, perhaps, that his piety may balance in the scale his outburst of wrath: "Still if her [Mrs. Davison's] statement be correct, and is to be relied upon, the facts brought out by Mrs. Davison would seem to be one of those singular developments of divine Providence by which imposters are confounded, and their devices brought to naught."⁷⁹ Of this it is sufficient to say, that if the gentleman were living today he would be confronted with a very perplexing dilemma. In the event of his taking his stand on the correctness of Mrs. Davison's statement, he would have to lament the failure of "one of those singular developments of divine Providence, by which imposters are confounded and their devices brought to naught;" for the Book of Mormon, notwithstanding the efforts of the Reverend gentleman against it, in his "Gleanings by the Way," has been translated into ten other languages, since his day; has passed through many editions in a number of them, and sold by hundreds of thousands. It has resulted in gathering a people; in founding a church that has more of history behind it, and more of prospect before it, than any other modern religious movement in Christendom. On the other hand, if the Reverend gentleman should take his stand on the infallibility of divine Providence, singular or otherwise, from the striking failure of the Davison statement to confound an imposter and bring his devices to naught, he would be under the necessity of reversing his former decisions; he would have to conclude that the Davison statement was not true; and if he could not be brought to the point of acknowledging that he had been fighting against the truth, he would have the humiliation of discovering that he

79. "Gleanings by the Way," p. 259-60.

had, at least, sought to maintain a falsehood. Fortunately the gentleman is dead, and, let us hope, at peace.

But it is time to return from this digression. In addition to showing what the attitude of the Spauldings was to this document, through Mrs. Dickinson, I appeal from the conflicting testimony of the Reverend D. R. Austin and the venerable Mrs. (Spaulding) Davison, to the Davison statement itself as evidence that it is not the product of "an aged woman, and very infirm."⁸⁰ I ask any person capable of forming any kind of a literary judgment, to take the statement signed with Mrs. Davison's name, and then say, honor bright, if that is the statement of a woman in private life, much less of one "aged and infirm." Its introduction, almost ideal from a literary standpoint, when the purpose of the document is considered; the movement thence to the introduction of the evidence and its discussion; thence to the conclusion—so potent, and so desirable to a minister whose church had been invaded by successful Mormon missionaries, but so unlike a woman in private life, viz: "I have given the previous narration, that this work of deep deception and wickedness may be searched to the foundation and the authors exposed to the contempt and execration they so richly deserve." All this too plainly proclaims the professional hand to leave anyone in doubt as to where the truth lies as between the Haven-Davison statement and the Clark-Storrs-Austin story and argument in "Gleanings by the Way," which Mr. Schroeder so warmly commends to us as settling the "dishonesty of the original publication" of the Haven interview. Parley P. Pratt was right when in an article published in the *New Era* (New York, Nov. 1839). he said:

"A judge of literary production, who can swallow that piece of writing as the production of a woman in private life, can be made to believe that the Book of Mormon is a romance. For the one is as much like a romance as the other is like a woman's composition. The production, signed 'Matilda Davison' is evidently the work of a man accustomed to public address."⁸¹

80. "Gleanings by the Way," p. 265. The statement is the Rev. Dr. Austin's. The New Haven statement represents her as "about seventy years of age and somewhat broke." *Times and Seasons*, Vol. I, p. 47.

81. *New Era*, impression of November 25, 1839. Same is copied into the *Times and Seasons*, Vol. I, p. 47.

Mr. Schroeder reaches the same conclusion, and that largely too from the literary style of the article. Listen to this comment:

"The argumentative style and the failure to distinguish between personal knowledge and argumentative inferences is all readily understood when the history of this statement is made known. It seems that two preachers, named D. R. Austin and John Storrs, are responsible for this letter. Mrs. Davison never wrote it, but afterwards stated that "in the main" it was true. Even with her reaffirmance of the story as published, we cannot give it evidentiary weight except in those matters where it is plain from the nature of things that she must have been speaking from personal knowledge."⁸²

There is but one conclusion possible on the point at issue. Mrs. Davison never made the statement, nor signed it. It was the work of the Reverends John Storrs and D. R. Austin—a forgery.

MUTILATION OF THE HAVEN-DAVISON INTERVIEW

At this point I take note of what Mr. Schroeder says in relation to an omission of a question and answer in the Haven-Davison interview in Elder George Reynold's "Myth of the Manuscript Found;" and also of what Mr. Schroeder characterizes as "John Taylor's lying perversion of this alleged interview as reported in his 'Three Nights Public Discussion'." The question and answer referred to are held, in effect, to re-instate the Davison document as evidence, after denying it to be Mrs. Davison's statement, or that she signed it. The question and answer are as follows: "*Ques:* Is what is written in the letter true? *Ans.* In the main it is." This is omitted in Elder Reynolds' "Myth of the Manuscript Found" (1883); and copying the Haven interview from his work into my own treatise of the Book of Mormon in the "Young Men's Manual" for 1905-6, the same omission, of course, is made; but of which omission this writer was ignorant until Mr. Schroeder's article called attention to it. Why the omission occurs in Mr. Reynolds' book, I do not know; and although Mr. Reynolds is still alive, his health is so shattered

82. *American Historical Magazine*, September, 1906, pp. 393-4.

at this time that it would be as useless as it is impossible to question him upon the subject.

Certainly there was no occasion for purposely making the omission since the Book of Mormon is equally defensible with the Davison statement in the record as evidence, or excluded. And as evidence that the omission was not intentional, on the part of Mormon writers, attention is called to the fact that in the *Times and Seasons* copy of the article from the *Quincy Whig*, (1840) both the above question and answer are published, (Vol. 1, p. 47). It is also published accurately in "Thompson's Evidence of the Book of Mormon," (1841); also in "The Origin of the Spaulding Story," by B. Winchester (1840) p. 17. In Mr. Taylor's work—so severely criticised by Mr. Schroeder, the question and answer stand as follows: "*Ques.* Is what that letter contains true? *Ans.* There are some things that I told him." Mr. Schroeder calls this a "lying perversion."

If this were the only variation in the document, as quoted by Elder Taylor, there might be justifiable suspicion that the change was purposely made and was intended to lessen the force of the answer; but, as throughout the version of the *Whig* article published in the "Three Night's Discussion"—held in France—there are quite a number of variations—and none of them contribute advantage to the pro-Mormon side of the controversy—there can be no other conclusion, than either that some inaccurate version of the *Quincy Whig* article had fallen into the hands of President Taylor while in France, and he printed from that imperfect version; or, it may be, that the *Quincy Whig* article had been published in French, and Elder Taylor's published account of it in his "discussion" was a translation of the French version back into the English. While I am aware that this view is based on conjecture merely, yet if the *Whig* article as published in the *Times and Seasons* be compared with Elder Taylor's version in the "Three Night's Discussion," the difference that exists between the two versions would not be greater than in two versions so produced. And the character of the variations warrant the conjecture. For example, take these passages:

Quincy Whig.

Ques. Have you read the Book of Mormon? Ans. I have read some of it.

The Taylor version.

Ques. Have you read the Book of Mormon? Ans. I have read a little of it.

Quincy Whig.

Ques. Is what is written in the letter true? Ans. In the main it is.

Taylor's version.

Ques. Is what that letter contains true? Ans. There are some things that I told him.

Quincy Whig.

Ques. Does the manuscript and the Book of Mormon agree? Ans. I think some of the names agree. Ques. Are you certain that some of the names agree? Ans. I am not."

Taylor's version.

Ques. Is there any similarity between Mr. Spaulding's manuscript and the Book of Mormon? Ans. Not any, with the exception of some names, something similar the one to the other.

And so the variations run from beginning to end. They are just such variations, too, as would exist if the Taylor version was produced as conjectured. I trust I may be pardoned for being insistent at this point. I was personally acquainted with the late President John Taylor, and am also his biographer. His letters, official and personal, as also his journals, passed through my hands; his most private life was laid open to me, and I know him to have been a highly honorable gentleman, far above such low subterfuge as that charged against him in the coarse vulgarisms employed by Mr. Schroeder, and which, from no standpoint whatever, are justifiable.⁸³

MR. SCHROEDER AND THE DAVISON STATEMENT.

There is something amusing in the attitude of Mr. Schroeder towards this Davison statement. Although Mr. Schroeder de-

83. See "The Life of John Taylor," by B. H. Roberts, (1892). Lest in some rejoinder to this reply Mr. Schroeder should return to this subject of the Taylor variations, in the Haven-Davison interview, and should seek further to establish his point of view by referring to what is sometimes alleged to be Elder Taylor's denial of the existence of the plural marriage system of the Church when he was in France, (1850) I wish to say that in the above "Life of John Taylor" the alleged denial is dealt with at length, pp. 222-5.

clares in so many words that "Mrs. Davison never wrote it," and hence must admit it to be a forgery by Reverend gentlemen, yet, since the Haven interview represents Mrs. Davison as saying that it was "true in the main," Mr. Schroeder dogmatizes thus in regard to this "piece of evidence":—"Even with her re-affirmance of the story as published, we cannot give it evidentiary weight, except in those matters where it is plain from the nature of things that she must have been speaking from personal knowledge."⁸⁴ Why, in the name of all that is reasonable? If her re-affirmance is to re-instate any part of the story as worthy of belief, why not all of it, and all the parts equally? Is Mr. Schroeder to pick and choose from his own witnesses as he will, allowing this, but discarding that, as suits his personal view of the Spaulding theory?

What is behind all this proposed jugglery? Simply this: I have already pointed out how vital to Mr. Schroeder's case it is to establish the existence of a second Spaulding manuscript, dealing with American antiquities, a "re-written" story different from this manuscript story now safely lodged in Oberlin college. There is nothing of all this in the Davison statement. This in the eyes of Mr. Schroeder is its first sin, one of omission. Another thing essential to Mr. Schroeder's contention is a second submission of the Spaulding manuscript to the Patterson-Lambdin publishers, after the Spauldings had made their home in Amity, Washington county, Pa. Mrs. (Spaulding) Davison "says," observes Mr. Schroeder, "that before leaving Pittsburg for Amity, her husband's manuscript was returned by the publishers." * * * "She seemingly remembers nothing of its second sub-mission while her husband resided at Amity, or else those who wrote and signed her statement didn't see fit to mention it."⁸⁵ This is the second sin of omission in the Davison statement. And right here it may be as well to notice another singular thing in reference to these Spaulding documents, the alleged Davison statement and Mrs. McKinstry affidavit, the former published in 1839, the latter in 1880—while both are very explicit as to affairs over at Conneaut, there is nothing said in

84. *American Historical Magazine*, September, 1906, p. 394.

85. *Ibid*, 392-3. (How careless of them!)

the statement of either about the readings of the manuscript alleged to have taken place before the Amity neighbors, whence come the Amity witnesses, Joseph Miller and Redic McKee. This silence is all the more inexplicable because it was here that the final "polishing" and preparing for the press of the Schroeder-assumed "rewritten" manuscript was going on; and Mrs. McKinstry was more competent to remember such things than when at Conneaut, because then of less tender years. Indeed if the Davison statement is insisted upon as evidence, then Mr. Spaulding refused to have his manuscript published, even though Mr. Patterson suggested it, as he had only written it for his own amusement!

The next sin of the Davison statement is one of commission. The success of Mr. Schroeder's case against the Book of Mormon depends upon establishing his contention that Sidney Rigdon stole the Spaulding manuscript from the printing office of Patterson and Lambdin; and that, after October, 1816, (the time of Spaulding's death), the Schroeder-assumed "rewritten" manuscript was never in the hands of "anybody but Sidney Rigdon." But if the re-affirmance of the Davison statement is to be admitted at all, in evidence, then, according to Mrs. Davison, before the family removed from Pittsburg to Amity, the Spaulding manuscript was "returned to its author, and soon after," says the Davison statement, "we removed to Amity, Washington county, etc., where Mr. Spaulding deceased in 1816. The manuscript then fell into my hands, and was carefully preserved. It has frequently been examined by my daughter, Mrs. McKinstry, of Monson, Mass., with whom I now reside, and by other friends."⁸⁶

This statement, let it be observed, would not fall within the items which even Mr. Schroeder would exclude from the Davison statement if readmitted as evidence; for it is very clear that as to this item the lady was speaking of a thing about which she had "personal knowledge," the "shibboleth" which gives "evidentiary weight" to what the lady is supposed to have testified to in this "shady" document. But against this damaging affirmation of the Davison document, about the return of the Spaulding

⁸⁶. See Davison statement in the text above.

manuscript to its author, and Mrs. (Spaulding) Davison's subsequent possession and care of it, Mr. Schroeder says: "Upon the question as to whether or not Spaulding's re-written manuscript was in the possession of anybody but Rigdon at any time after October, 1816, Mrs. Davison's statement as published cannot in any sense whatever be considered as evidence."⁸⁷ (Sic!)

The reader will now better understand Mr. Schroeder's attitude: what agrees with his theory in the Davison statement shall be accepted, what contradicts it, must be discarded; and this may be applied to the gentleman's attitude to pretty much the whole mass of testimony upon the subject. The attitude of Mr. Schroeder, however, cannot be conceded as proper. Either he must admit the force of the Davison statement against his contentions, as well as where it favors them, or else he must discredit the Davison evidence altogether. One may not have his cake and at the same time eat it. We care not which he does in respect of this particular "piece of evidence." It will be equally advantageous to our argument, whichever he does.

But let us see in what plight this statement leaves Mr. Schroeder's case. If Mrs. (Spaulding) Davison is right about the return of the Spaulding manuscript to its author while yet at Pittsburg; that it was taken to Amity, and after the decease of Mr. Spaulding fell into the hands of Mrs. Spaulding, and "was carefully preserved" by her, and was "frequently examined" by her daughter,—then Sidney Rigdon did not steal it from Patterson and Lambdin's printing office, whatever Rigdon's connection with that office might have been; and Mr. Schroeder is under the necessity of abandoning one of the chief elements of his case; an element so essential that if abandoned his case collapses into confusion.

To Mr. Schroeder's mind the theft of the manuscript by Mr. Rigdon is the one circumstance that will harmonize all the alleged "established facts," and make the Spaulding theory tenable. To this end he repudiates four other theories as to how the Spaulding manuscript reached the hands of Joseph Smith, by him to be exploited as the book of Mormon.

87. See *American Historical Magazine*, September, 1906, p. 394.

First, the theory that Joseph Smith himself secured the manuscript from the house of Wm. H. Sabine in 1823 — (John Hyde's theory).⁸⁸ Second, that Sidney Rigdon copied the manuscript while it was at the printing office of Patterson and Lambdin, (the Storrs-Austin-Davidson statement theory, and also the Spaulding family theory).⁸⁹ Third, that Joseph Smith copied it while working for Wm. H. Sabine (brother of Mrs. (Spaulding) Davison, be it remembered), about 1823, but leaving the original there. Fourth, the theory that Spaulding copied his story for the publisher "while keeping the duplicate at home to be afterwards cared for by the family." Of course, "these various theories" were all invented because of a supposed necessity of accounting for the alleged presence of the re-written 'Manuscript Found' in the trunk at Sabine's house after 1816, the date of Spaulding's death. So says Mr. Schroeder.⁹⁰

Very naturally all those interested in maintaining the theory that Spaulding's manuscript was the original source of the Book of Mormon—except Mr. Schroeder—would be anxious to maintain the integrity of both the Davison statement and Mrs. McKinstry's affidavit, published in *Scribner's Magazine* for August, 1880, as the most valuable evidence in existence for the anti-Mormon side of this controversy. But to preserve that integrity they must vindicate Sidney Rigdon from theft of the Spaulding manuscript, for both these witnesses declare the Spaulding manuscript to be in their possession after the death of Spaulding in 1816. The Davison statement represents that the "Manuscript Found," the very manuscript in controversy, that Spaulding had placed in the hands of Patterson "for perusal," was returned to Spaulding before the family left Pittsburg; and at his death, two years later, fell into Mrs. (Spaulding) Davison's hands, and "was carefully preserved;" was frequently examined by her daughter, Mrs. McKenistry, "and by other friends." Mrs. McKinstry testifies as to the association of her father, Solomon

88. "Mormonism: Its Leaders and Designs," by John Hyde, Jr. (1857) p. 279.

89. "New Light on Mormonism," grand-niece of Mrs. (Solomon Spaulding) Davison, (1885). She declares that Mrs. McKinstry "remembers how her mother talked on the subject, expressing a firm conviction that Sidney Rigdon had copied the manuscript which had been in Mr. Patterson's office in Pittsburg," pp. 23, 24.

90. *American Historical Magazine*, September, 1906, p. 390.

Spaulding, with Mr. Patterson, at Pittsburg; also as to the contents of the trunk that had been taken to her uncle's, Wm. H. Sabine's, by her mother and herself shortly after the death of her father, containing the papers of her father; and there she claims to have seen the manuscript that the Davison statement says she "frequently examined;" and "on the outside of this manuscript were written the words, 'Manuscript Found'." She did not read it, "but looked through it," and had it many times in her hands and saw the names she "had heard at Conneaut," when her father read the said manuscript to his friends.⁹¹

Nothing could be more explicit than these statements of mother and daughter, and both were in the closest relations to Solomon Spaulding; and what they say is supplemented and emphasized by the grand niece of Mrs. (Spaulding) Davison, Ellen Dickinson, who, in her "New Light on Mormonism," represents Mrs. McKenstry as insisting that her mother, said,—and the impression is created that she repeatedly said it—"that Mr. Spaulding had assured her that he had recovered his original manuscript when Patterson had refused to publish it, and she never varied or doubted in this belief."⁹²

WHY MR. SCHROEDER DISCREDITS THE SPAULDING WITNESSES

The question naturally arises as to how it is that Mr. Schroeder adopts this theory of Rigdon stealing the Spaulding manuscript when it involves him in the necessity of practically throwing overboard these two important witnesses of the Spaulding theory. We have already seen that Mr. Schroeder practically discredits the testimony of the Davison statement;⁹³ and with no less emphasis he throws over Mrs. McKinstry's testimony on the ground of her incompetency to be a reliable witness because of her tender age—from four to eleven—when the things happened of which she testified; and her great age—seventy-four, (seventy-seven," says Mrs. Dickinson,⁹⁴)—when she made her affidavit as to those distant happenings.

"That this woman, at seventy-four, should remember strange

91. See the McKinstry affidavit.

92. "New Light on Mormonism," pp. 23, 24.

93. *American Historical Magazine*, September, 1906, pp. 392-4.

94. "New Light on Mormonism," Preface.

names, casually repeated in her presence, before her sixth year, and those names wholly unrelated to anything of direct consequence to her child life, is a feat of memory too extraordinary to give her uncorroborated statement any weight as against valid contradictory conclusions drawn from established facts.’⁹⁵

In a casual re-statement of his theory that Rigdon stole the Spaulding manuscript, and pointing to the alleged related facts of that theory, Mr. Schroeder says: “These conclusions and much of the evidence upon which they are based will contradict Mrs. McKinsty’s statement.”⁹⁶ Then why adopt that theory? A direct answer is nowhere to be found on the face of Mr. Schroeder’s articles; but one acquainted with all the variations of the Spaulding theory does not have far to go to understand the reasons. First, there is the shady transactions of the Reverends Clark, Storrs, and Austin in the production of the Davison statement that discredits it; and in Mr. Schroeder’s view, the evidentiary value of this document is not very great.⁹⁷ Second, Mr. Schroeder knows, for reasons that he himself states, that the McKinsty affidavit is incompetent and cannot be held to establish the alleged facts detailed in it. “That this woman at seventy-four, should remember strange names casually repeated in her presence, before her sixth year, . . . is a feat of memory too extraordinary,” is his own characterization of the absurdity.

Third, Mr. Schroeder knows that the other theories by which an effort is made to connect the Spaulding manuscript with Joseph Smith and the consequent plagiarism of the Book of Mormon from it are untenable. That is, he knows that the theory that Rigdon copied the Spaulding manuscript while it was at Patterson-Lambdin’s printing office, the original being returned to Spaulding, cannot be established by evidence. He knows equally well that the theory that Spaulding himself made a copy of his story for the publisher while keeping the duplicate at home to be cared for by his family, cannot be successfully maintained. This copying a manuscript that makes a book of

95. *American Historical Magazine*, September, 1906, p. 392.

96. *Ibid*, 391.

97. *Ibid*, pp. 393-4.

600 pages, of more than 500 words to the page (see first edition of Book of Mormon), is not so easy a task, and the time necessary to such an achievement, by either of these men, make the theories impossible. Fourth, Mr. Schroeder also knows that the theory that Joseph Smith himself stole the Spaulding manuscript from the house of Wm. H. Sabine of Onondaga Valley, in 1823, at which time it is alleged that Joseph Smith worked for Mr. Sabine, cannot be established by evidence.

Fifth, Mr. Schroeder knows that the theory that Joseph Smith copied the Spaulding manuscript while at Sabine's is not only incapable of being established by evidence, but would be ridiculous, even if it could be proven beyond reasonable doubt that Joseph Smith ever worked for Sabine, in 1823, or at any other time, both on account of his age, than eighteen, certainly unschooled, and by some said not to be able to write at all.⁹⁸ Yet this man working as a teamster (for so it is said) copies a manuscript which afterwards makes a book of six hundred pages of five hundred words to the page! No wonder that Mr. Schroeder discredits this theory. With all these theories discarded, however, what remains for Spaulding theorists? Nothing but to charge the theft of Spaulding's manuscript to Sidney Rigdon, and to stick to it. To do this, however, they must follow Mr. Schroeder in discrediting the Davison statement; and declare the incompetency of the McKinstry affidavit, for reasons already considered. This destroys for the Spaulding theorists what some regard as the two most valuable documents, (contemptible as they are) on which the theory stands.

(To be Continued).

98. Mrs. Horace Eaton of Palmyra, "Hand Book of Mormonism."



WASHINGTON'S ARMY IN LOWANTICA VALLEY, MORRIS COUNTY, NEW JERSEY,

WINTER OF 1776-1777.

BY ANDREW M. SHERMAN,

Author of "Life of Captain Jeremiah O'Brien, Machias, Me."; "Historic Morristown, New Jersey: The Story of its First Century"; "Phil Carver: A Romance of the War of 1812," etc.

I HAVE directed the three regiments from Ticonderoga to halt at Morristown, in Jersey (where, I understand, about 800 militia have collected), in order to inspire the inhabitants, and, as far as possible, to cover that part of the country."

Thus wrote Washington on the 20th of December, 1776, to the president of the United States Congress, from the west side of the Delaware River, opposite Trenton, New Jersey; whither, on the 8th of the same month, he had hastily retreated with his "diminished and disheartened army." The letter, of which the above is but a portion, was written from the Keith house, situated on the road leading from Brownsburg, Pennsylvania, to what, in Revolutionary days was known as Eagle Tavern, near Newtown.

The "three regiments from Ticonderoga," it is particularly worthy of mention, composed the first body of Continental troops to enter Morris County, New Jersey, in the War of the Revolution. Preceding this locally notable event, however, General Alexander McDougall, on the 14th of December, 1776, visited Morristown, for the purpose, doubtless, of making the necessary arrangements for the accommodation of the Continental troops, which, under the command of Colonel Vose, reached the county seat of Morris only three days later.

Colonel Vose's command, as is gleaned from a contemporary

letter of McDougall to Washington, comprised Greateon's regiment of 250 men; Bond's regiment of 100 men, and Porter's regiment of 170 men—an aggregate of 520 men. In consequence of the arduous campaign in which they had participated in the northern department, each of these New England regiments, as the figures cited indicate, was very greatly depleted in numbers. The necessity for directing these Continental troops to "halt at Morristown," arose, quite largely, at least, from the fact that a regiment of Morris County militia, under the command of the valiant Colonel William Winds, had for several months been absent from the State, engaged in active service in the department of the north.

Where the Continental troops, under the command of Colonel Vose, were encamped during their temporary stay in Morristown, prior to the arrival of Washington's main army, it would be highly interesting to know; but so far as extant records indicate, the place cannot be positively designated. Nor do either extant records or local tradition furnish the slightest clew which might lead the investigator to the discovery of the exact camp-site of this New England brigade; composed probably of three Massachusetts regiments of the Continental Line, including, almost certainly, the 3rd., under the command, at that particular period, of Colonel John Greateon. It is not improbable, however, that in the near vicinity of the village green—perhaps on the south side of the green, somewhere between the present Bank and Market streets—"the three regiments from Ticonderoga" pitched their tattered tents, and hastily established their camp. This suggestion of the camp-site of Colonel Vose's troops is based upon the fact, that for several years that level piece of land on the south side of the green, had been used as a parade-ground by the local militia, the northern portion of the green being too uneven for such purpose.

Until he was stricken with illness, McDougall was in general command of the forces in Morristown; during which, by his request, the command was given to a New Jersey soldier, General William Maxwell, who had but recently arrived at the county seat. The Continental troops under the command of Colonel Vose were expected, after a brief sojourn at the county seat, to

join Washington; but apprehended danger to the powder mill at Morristown necessitated their remaining at that point.

The 800 militia referred to by Washington, in the letter quoted from at the opening of this article, were those under the command of Colonel Jacob Ford, Jr. (a native and resident of Morristown), known as the "eastern battalion." When Colonel Vose, on the 17th of December, 1776, arrived with his depleted New England regiments in Morristown, Colonel Ford, and his battalion of Morris County militia, were lying at Chatham; probably in the near vicinity of the Chatham bridge, a rude wooden structure which then spanned the Passaic River at a point about seven miles southeast of Morristown. To this place they had marched after the brisk engagement on the previous 14th of December, with the British force under the command of General Leslie, at Springfield, a short distance southeast of the "rude bridge" that spanned the Passaic. They were at this bridge awaiting the further movements of the enemy on the east side of the river. It is by no means improbable that Colonel Ford anticipated the early return of the British from Spanktown (now Rahway), and a second and more determined attempt on their part to reach Morristown. This could be successfully accomplished by the British force only by crossing the Chatham bridge at the point where Colonel Ford was posted, with his victory-flushed militia, ready and determined to oppose their passage into Morris County.

On the 23rd of December, the British, having for the time, at least, relinquished their designs upon the Morristown powder mill, Colonel Ford returned at the head of his plucky militia battalion, to the county seat of Morris, where, on the 31st of the same month, as is learned from a letter of the commanding officer, they were reviewed by Maxwell on the south side of the village green. Not until the arrival of Washington's main army in Morris County a few days later, was the "eastern battalion" disbanded.

After the brilliant and decisive engagements at Trenton, on the morning of December 26th, 1776, and at Princeton, near sunrise, on January 3rd, 1777, Washington, having relinquished the idea of attacking the British at New Brunswick, where immense

quantities of their military stores (and \$70,000 in gold for the payment of the king's soldiers) had been collected, resolved to go into winter quarters in Morris County.

Ford's powder mill was furnishing the bulk of the powder used by the American troops in New Jersey; and by some writers it is said that Washington's entire army was dependent upon the product of this powder mill on the Whippany River. The former statement, however, is probably nearer the truth than the latter. There is scarcely a doubt, notwithstanding the phraseology of Washington's letter to the president of Congress, quoted from at the opening of this article, that among the reasons for the selection of Morris County for winter quarters for the American army, was the protection of Ford's powder mill, and the not inconsiderable quantity of gun-powder and other materials of war stored in the Continental House on the south side of the Morristown green. It was also highly desirable that the powder mill on the Whipping River be kept in unhindered operation until a sufficient quantity of gun-powder could be manufactured for the needs of the campaign of the following season.

The route of Washington's army, on its march into Morris County, was from Princeton over Rocky Hill, through Pluckamin (where they spent about two days, leaving there on the morning of January 6th.), Basking Ridge, New Vernon and the outskirts of Green Village, to the grounds previously selected for the encampment. These grounds were reached at about sunset of January 6th.

From the diary of Captain Thomas Rodney, of the Philadelphia Troop of Light Horse, it is learned, that "The order of march," from Princeton to Morris County, "was first a small advance guard, next the officers who were prisoners, next my light infantry regiment in columns four deep; next the prisoners flanked by the riflemen, next the head of the main column, with the artillery in front."

The people of the surrounding country, as reliable tradition informs us, turned out in large numbers to welcome the patriot troops, fresh from the victories of Trenton and Princeton, the advance news of which had greatly revived the waning hopes of loyal Jerseymen, and infused into them new courage and

increased determination to continue the struggle for independence.

The numerical strength of Washington's army, on its arrival in Morris County, including the three New England regiments already encamped there, was not far from 3,500 men. Among these troops, as may be gleaned from several reliable sources, were the skeletons of four or five Virginia regiments, and parts of several Continental battalions, aggregating about 1,000 men; and about 2,000 New Jersey and Pennsylvania militiamen. One of the most interesting facts gleaned from the extant manuscript diary of Captain Thomas Rodney, is embodied in the statement that "When the army reached Morristown the Adjutant, Captain Holland, was the only officer of the 1st. Delaware, left." Colonel Haslet, of this regiment, who remained with Washington after his men had returned home, because of the expiration of their term of service, was killed in the engagement at Princeton.

As to which of Washington's prominent officers accompanied him into Morris County, it is impossible to speak with certainty; but from a knowledge of the general officers who participated in the engagement at Princeton, only three days prior to the arrival of the American army in the county, and who were not, so far as reliable records state, immediately thereafter assigned to duty in some other parts of the general field of operations (as some were), it is a reasonable inference that among such officers were General Mifflin, then Quartermaster-General of the army; Generals Armstrong, Cadwalader, Dickerson, Hand, Hitchcock, Knox (chief of artillery), Lincoln, St. Clair, Stark and Sullivan, and Colonels Reed, Poor, Patterson, Ogden and Smallwood. It is almost certain that Captain Moulder, with his battery which had rendered such effective service in the engagement at Princeton, was among the officers who came with Washington to Morris County. Concerning several of the officers above named, it should be said, there is no little documentary evidence showing their probable presence in Morris County in the winter of 1776-1777.

General Stark remained in Morris County until winter quar-

ters had been established there, when he returned to New Hampshire with his men, their term of service having expired.

It was on the 12th. of April, 1777, that General Anthony Wayne joined Washington's army in Morris County. He was immediately placed in command of a brigade of troops there encamped, known as the Pennsylvania Line. He was subsequently given the command of a division composed of two brigades, eight regiments in all. The regiments of the first brigade were commanded as follows: 1st. regiment, Colonel Chambers; 2nd. regiment, Colonel Walter Stewart; 7th. regiment, Lieutenant-Colonel Connor; 10th. regiment, Lieut.-Colonel Hubley. Of the 2nd. brigade the regimental commanders were: 4th., Lieut.-Colonel William Butler; 5th., Lieut.-Colonel Johnson; 8th., Colonel Broadhead, and 11th., Colonel Humpton. These eight regiments were among the eleven newly recruited regiments organized during the winter in Pennsylvania. The aggregate number of Wayne's division was about 1,700 men. What was known as Conway's division, and commanded by that officer, comprised five Pennsylvania regiments, including Colonel Hausegger's German regiment.

During the month of April, 1777, General Daniel Morgan also arrived in the county of Morris with nearly 200 of his riflemen. He was received by the commander-in-chief with marked consideration. Morgan came in response to a summons from Washington, and in compliance with the orders of his chief, he organized, while in Morris County, a corps of 500 picked sharpshooters, who were known as "Rangers."

With regard to the number of men Washington had with him in Morris County, during the winter of 1776-1777, it may be said to have been fluctuating. On his arrival in the county on the 6th. of January, 1777, he had, as previously stated, in round numbers, 3,500 men. As early, however, as the 10th of January, the patriot army began to dwindle, as the following extract from Captain Rodney's diary shows: "Jan. 10, '77. The time that my men enlisted for expired today and most of them seemed determined to go home upon which I went to Gen. Cadwalader and brought him to our quarters and he informed them of the necessity of their staying a few days longer which they all



THE PRESIDENTIAL MANSION IN 1823
[From an Old Engraving]

agreed to do except Millis, Dawson, Pennington, Croket and Maxwell who said *they would go*, but none of them went but Millis." Under date of January 14th., Captain Rodney records in his diary, that "This day the Infantry were ordered to bury General Hitchcock with the honors of war and as he was a Continental officer I took command myself." The extract from the diary of January 14th., however, which is of special value in the present connection, is as follows: "This day most of my company set off home though I tried all in my power to prevail on them to stay until the brigade went." "Today Lieuts. McCall, Tilton and Bullen who thought it was not worth while to stay as the rest were gone set off for home too and left no one with me but Robert McGermott. I dined today with Generals Cadwalader and Dickerson"—this entry is under date of January 15, 1777. There is evidence sufficient to warrant the statement that during the first winter Washington's army was in Morris County, its numbers were reduced from one cause and another, chiefly by expiration of their term of service, to 1,000 men. On the 24th. of January, 1777, the commander-in-chief wrote Governor Trumbull, of Connecticut, that "While our dependence is upon militia, we have a full army one day, and scarce any the next; and I am much afraid, that the enemy one day or other, taking advantage of one of these temporary weaknesses, will make themselves masters of our magazine of stores, arms, and artillery."

The camping grounds selected by Washington for his worn-out but victory-elated army, were situated in what was then, and for several years afterwards, known as the Lowantica (sometimes spelled Loantica) Valley, and were about two and a half miles southeast of Morristown village, and about one and a half miles northwest of Bottle Hill, now Madison. The site of these Revolutionary camping grounds may now be reached from the Morristown green by three routes. The one is by way of South Street, Madison Avenue, and thence through Kitchell Avenue. The second is by way of South Street and Woodland Avenue. A third route is down South Street, Madison Avenue to the first road on the right below Kitchell Avenue, thence down this picturesque road until

the house recently owned and occupied by Mr. A. B. Frost, the famous artist, is reached, when the tourist is on grounds made sacred by the presence, in the winter of 1776-1777, of the patriot army which at Trenton and Princeton had struck the death blows to the British cause in America. If the tourist takes the first route mentioned, he may, after reaching Kitchell Avenue, and going down the same about half a mile, find the Lowantica camping grounds by entering the fields opposite the recent residence of Mr. Frank R. Stockton, the famous author, and going across the fields in a southeasterly direction. If the second route mentioned is taken, one may reach the old camping grounds by turning off Woodland Avenue to the left a little to the eastward of the residence of Mr. Frederick C. Blanchard, and going in a northeasterly direction. By the third route given, when the tourist reaches the recent residence of Mr. A. B. Frost he will be standing near the center, approximately, of the Lowantica camping grounds—the center from east to west. That is to say, the encampment of Washington's army extended about an equal distance, east and west, from the spot now occupied by the recent Frost residence.

The valley in which the camping grounds under consideration were situated, is now known as Spring Valley, a most appropriate name for this region, it must be conceded, owing to the abundance of springs with which it is watered; but the appropriateness of the name seems to the writer a wholly inadequate reason for dropping the Revolutionary designation of the region which has been made sacred by the presence, in the winter of 1776-1777, of the patriot army for a period of nearly five months, and by the momentous events and incidents associated with the long encampment there.

The name, Lowantica, seems to have been first applied to the camping grounds of the American army during the Revolution. The valley received its name from the Indian name of the stream running through it in a southeasterly direction, and emptying into the Passaic River. About the year 1820 the region occupied by the patriot army received, and for several years thereafter, bore the name of Fevertown; a name suggested, doubtless by the fact of the prevalence of disease among the soldiers and residents in the winter of 1776-1777.

The camping grounds of Washington's army at Lowantica included portions of two farms, those of Mr. John Easton and Mr. Isaac Pierson. Mr. Easton's house is said to have stood a little southeast of the recent Frost residence; and it is not by any means improbable that it occupied practically the same site. Mr. Pierson's house was at the western extremity of the encampment, and occupied the present site of the picturesque residence of Mr. Frederick C. Blanchard. Both of these Revolutionary houses were plain, unpainted farm houses. The farms originally belonging to Messrs. Easton and Pierson, it is almost superfluous to say, have several times changed ownership since the American army was quartered there. The Easton farm passed into the hands of Mr. Vincent Boisaubin, a French refugee, soon after the Revolution, and from the heirs of Mr. Boisaubin it passed into the hands of Mr. A. M. Treadwell, about the year 1845. The most recent owner, excepting the present, was Mr. A. B. Frost, the artist. Mr. Isaac Pierson's farm was inherited by his son, Darius, and from him it passed into the hands of Mr. William M. Kitchell, father of State Geologist, Prof. William Kitchell. A little to the westward of Mr. Pierson's house was the house of Mr. Joseph Munson; the site of which is a few rods to the northeastward of the present substantial residence of Mr. M. L. Force, the florist. A short distance to the southeast of the recent home of Mr. Frost, and on the opposite side of the road, there is now a farm house, which is said to contain a portion of the material of the old Easton house of the Revolutionary period.

The grounds selected by Washington for the encampment of his army lay mainly on the southerly and southeasterly slope of a broad elevation of land, the crown of which furnished excellent protection to the camp from northerly storms and winds. Inasmuch as the winter of 1776-1777 was an extremely cold one, the half-clad and half-fed soldiers of the patriot army were not unappreciative of the protection thus afforded them.

On the arrival of the American army in the Lowantica Valley, almost the entire region was covered by a heavy growth of trees, of which chestnut seems to have formed a considerable portion. Only small parcels of ground, perhaps an acre or so, around

the houses of Messrs. Easton, Pierson and Munson, were cleared and under cultivation. There were, at the period under consideration, no fences dividing the lands of the trio of farmers mentioned; hence the camping grounds selected could be easily reached from all directions. The army, after breaking ranks in the road, probably entered the camping grounds from a point a little to the eastward of the house of Mr. Isaac Pierson, not far from the northerly side of what is now known as "Blanchard's Lake," a very pretty and artificially made body of water, which, in conjunction with other interesting features of the locality, attracts many visitors. In this then almost unbroken forest the jaded but jubilant soldiers of Washington's army pitched their tents, in which they were for two or three weeks quartered. The tents captured from the British at Princeton, only three days previously, were doubtless utilized by their none too well supplied captors in the establishment of their new camp. Meanwhile the forest trees were felled, and expeditiously prepared for the construction of log cabins which were to become their permanent quarters for the increasingly cold winter. The prostrate trees were first cut into suitable lengths. The logs were then notched at both ends. These notched logs were afterwards placed one upon another, until the height of about eight feet was reached. These formed the four sides of the cabins. The roofs were made of split logs. The openings between the logs in the sides and roofs of the cabins were first filled in with small pieces of wood, chips from the logs, probably; and afterwards carefully daubed with mud. The roofs were also covered with leaves, and then with gravel to keep the leaves in place.

In one end of each cabin a rude stone fire-place was constructed, at the top of which a chimney, composed of sticks and mud, and reaching but a few inches above the roof-ridge, was made. At the other end of the cabin bunks were constructed of slabs laid on crotched sticks driven into the ground. These rude bunks were filled with new straw procured of the farmers in the vicinity. A single blanket was the only covering of the occupants, unless, to employ a camp phrase, they "doubled up," which signified that two soldiers put their woolen blankets together, thus making two thicknesses of covering, of which each sleeper had the benefit. The large open fire-places were kept

filled, day and night, with hickory and rock oak logs, the blazing fires of which furnished both heat and cheer amid the deepening wintry gloom. An opening through the side of the cabins furnished light and ventilation for the soldiers, who, from necessity spent the greater part of their time in-doors; and slab shutters, with wooden hinges, were used for protection from the elements without. The doors of the cabins were also of slabs, and swung on the same kind of hinges. Of these cabins there were at least three hundred on the Lowantica encampment, and each accommodated about 12 soldiers.

Three streets, running in a northeasterly and southwesterly direction, and in a somewhat semi-circular form, were laid out; the one in the center of the encampment, which is referred to in local annals as the avenue, being about 65 feet in width. Along this central street the cabins of the commissioned officers were erected. These cabins were somewhat larger than those of the private soldiers, but otherwise they were similarly constructed. On both sides of the main street was a parallel street, about 40 feet in width, and along their sides the smaller cabins of the private soldiers were erected, either singly or in groups of four or five, according to the contour of the ground surface. There may also have been two other camp streets, making five in all.

At various points on the northerly side of the main encampment, with little regard to regularity, however, owing to the presence of several ravines (traces of which may still be seen), log cabins for different purposes were erected; some of these were perhaps used for the confinement of British and Hessian prisoners brought from Trenton and Princeton.

A few rods to the southeast of the main encampment, several very large cabins were erected for the use of the commissary department, sutlers, etc. The names of some of the sutlers who supplied the needs, real and imaginary, of the soldiers of the patriot army, have come down to the present generation; they are: Jonathan Bruen, Thomas Coyle, Daniel Thompson and Jonathan Nicholas, all residents of Bottle Hill. Referring to these enterprising sutlers one chronicler of local annals remarks, that "As it was their principal business to accommodate the drinking propensities of the Army, they very naturally located themselves in the immediate vicinity of the springs, showing

themselves, by these means, to be, in some degree, at least 'cold water men.' "

Still further to the southeast of the main encampment, and near the Lowantica stream, still meandering through the valley, were the quarters of the artillery and baggage-wagon horses. On a level piece of ground in the vicinity of the last mentioned quarters, the artillery and baggage wagons were arranged in orderly manner. It is probable that among the cannon thus arranged in line, were the eight or more brass field pieces captured from the British at Princeton, on January 3rd., 1777. It is said that the place selected for the quartering of the army horses, artillery and baggage wagons, was selected because of its remoteness from the road leading from Bottle Hill to Morristown; it being desirable to have them as far removed as possible from that thoroughfare, as a precautionary measure against raiding by the enemy by way of Short Hills.

In the center of the main street of the Lowantica encampment, a pole was erected, and from its top there floated the recently adopted United States colors. Every morning during that dreary winter, this flag was defiantly flung to the breeze. The central street, which was kept in excellent condition, was used as a parade ground for small bodies of soldiers, such as squads, companies, battalions and regiments; and here, to the thrilling music of fife and drum, they performed their accustomed evolutions and marches. Here, also, the various guard-mounts probably took place. The general parade ground, however, seems to have been on the broad plateau north of the main encampment, and probably included the land now occupied by what is sometimes spoken of as the "Minton place," and at other times as the "Muchmore place," the house facing on what is now Kitchell Avenue. This plateau, as the observing visitor cannot fail to perceive, is most admirably adapted for a general parade ground; and this patent fact, in conjunction with traditional intimations, makes it practically certain that here Washington not infrequently, in person or by proxy, reviewed the torn and tattered veterans and recruits of his beloved army during the dark days following his arrival at the Arnold Tavern.

From the springs, which to this day abound in the vicinity, including those which now feed "Blanchard's Lake," the soldiers

of Washington's army procured water for camp purposes. One of the springs used by the patriot army now supplies the recent Frost residence, a windmill furnishing the power by which the refreshing water is carried to the premises.

The Lowantica encampment lay among a series of hills extending from the Delaware River on the west, to the Hudson River on the east. In several of these hills signal stations had been established, prior to the arrival of Washington's army in Morris County. One of these signal stations was at Short Hills, at a point about six miles to the southeast of the patriot encampment; and there, an eighteen pound cannon, called "the old sow," was planted. This cannon was used in connection with the beacon fires to alarm the people when there signs of the approach of the British in the direction of Morris County. This cannon may now be seen at the world-famed Washington Headquarters, in Morristown, New Jersey.

From the Short Hills, the movements of the British to the eastward for several miles could be clearly discerned; and the slightest show of an attempt to move towards Morris County was at once announced by the firing of "the old sow" by day, and the lighting of fires upon the hill-tops from east to west, by night. This brought the minute-men and militia to the anticipated point of attack. The Chatham bridge was not infrequently the rallying point of the Morris County patriots, at such times. The Short Hills was also a strategic point of such importance that it was another rallying point. In its encampment at Lowantica, Washington's army was, therefore, practically secure from attack by the enemy, and this was among the reasons for selecting that locality for winter quarters. Another and important reason for such selection was the fact that the surrounding country, for several miles, was under cultivation, and hence could and did furnish material aid to the patriot army in the way of supplies.

A portion Washington's army, including the three regiments from New England, were billeted in private houses in various portions of Morris, Hanover and Mendham townships; Bottle Hill and Chatham, it may be remarked, were then included in Hanover township.

Washington's headquarters were at the Arnold Tavern, in

Morristown village, two and a half miles westward of the Lowantica encampment. Around the headquarters at Morristown a guard of twenty-six soldiers constantly patrolled. On the Ford place, about a mile to the eastward of the headquarters of the commander-in-chief, the regiment which furnished the guard was quartered. It was Rodney's light infantry regiment.

Several of Washington's prominent officers were also quartered in Morristown village, some at Arnold's Tavern, with their chief, and others in private houses in the village. General Nathaniel Greene, according to apparently trustworthy tradition, was quartered in the house of Mr. Nicholas Hoffman, a good-natured man who lived not far from the village green. Mrs. Hoffman was decidedly puritanical in her belief and mode of life, and was fond of discussing theology with visiting officers, some of whom are said to have taken issue with the zealous Presbyterian; chiefly, however, for argument's sake. Conspicuous among these argumentative officers was a major of the patriot army.

Other general officers of the American army were quartered at Bottle Hill, among them being General Wayne, whose quarters were in the house of Deacon Ephraim Sayres, an ardent patriot. General Maxwell was also quartered in a private house in the same village.

Some of the British and Hessian officers captured at Trenton and Princeton, and brought as prisoners of war to Lowantica, were quartered in private houses in the vicinity of the encampment. In the house of Mr. Joseph Munson, one of these British officers was quartered. His antipathy towards Americans was so rank, and his morbid fear of being poisoned was so great, that he would not partake of a meal of victuals without first carefully wiping his plate with the flap of his red coat. This officer was occasionally permitted to visit Morristown village under guard. During one of these visits he imbibed freely of applejack at one of the village taverns, in consequence of which he became thoroughly intoxicated. In this condition he attempted to make his escape, but was prevented by his alert guard. As a punishment for the attempt to gain his freedom, he was flogged next day in camp by soldiers detailed for that

service. In speaking afterwards of the episode, he remarked that he did not mind the flogging, "but to be put through the operation by these ——— rebels, that is more than flesh and blood can bear."

During the winter of 1776-1777, desertions from the American army were so frequent that Washington became alarmed. He addressed letters to Congress recommending the adoption, by the several States, of stringent laws against deserters. "Desertion must of course cease when the offenders find they have no shelter," were the closing words of one of Washington's letters. Several deserters from the Lowantica encampment were apprehended. A few were shot. At least one was required to "run the gauntlet," over the general parade ground near the "Minton place;" he subsequently became a good soldier.

In the year 1852, while excavating for the cellar of the house of Prof. William Kittell, State Geologist, the bones of a human body were found. They were buried in the rear of the house. This fact was communicated to the writer by one who assisted in making the excavation, and who saw the bones. The name of this deserter is known to persons now living.

The writer was recently shown an English copper penny bearing the date of the year 1734; it was picked up near the site of the Munson house of Revolutionary days, by a gentleman who now resides in the near vicinity of the Lowantica encampment. This same gentleman informs the writer that he has found on the site of the old encampment not a few musket flints, such as were used by the soldiers of Washington's army.

In proof of the theory that the Lowantica camping grounds of the Revolution, a portion of them at least, were the site of an old Indian village, it may be said, that the gentleman above mentioned says he used, as a boy, to pick up "many Indian arrow-heads on these grounds."

It was while the American army was encamped in the Lowantica Valley that the small-pox broke out among the soldiers. The dread disease seems to have made its first appearance late in December of 1776, or early in January of 1777. The Presbyterian and Baptist churches in Morristown village, and probably the Presbyterian church in Hanover village were used as hospitals for the soldiers and citizens stricken with the disease.

Several private houses in the vicinity of the Lowantica Encampment were also used as hospitals, either for the treatment of the small-pox patients, or for the purpose of inoculation, vaccination not then being known to medical science. In Bottle Hill, the house of Mr. Daniel C. Miller was used as a hospital for inoculation. The houses of Messrs. Elijah Pierson, James Brookfield and — Harperee, were used as hospitals. Mr. Pierson's house was over the hill to the southwestward of the present residence of Mr. George W. Schieffelin. This house seems to have been used exclusively for inoculation, and for several months it was filled to its utmost capacity by soldiers and citizens who sought protection against the malignant disease. On the hill back of the present residence of Mr. Schieffelin, there was a small encampment, where soldiers only seem to have been taken for inoculation. The house of James Brookfield was on the road passing the Lowantica Encampment on the northwesterly side, and not far from the road leading from Green Village to Morristown. This house seems to have been used as a hospital for small-pox patients only. It is said that every room in the house was filled. Of the patients there treated, a large portion died, and they were buried in an orchard about twelve rods to the northwestward of the house. In the Harperee house about one and a half miles to the northwestward of the Lowantica Encampment, was the principal small-pox hospital. In this hospital many of the patients died, and they were buried in the southwest corner of the farm. Within a few years the numerous mounds, in regular rows, marking the burial places of these patriot dead, have been seen by not a few persons now living. Around the triangular piece of ground, containing about three-fourths of an acre, where sleep these almost forgotten dead, an old-fashioned worm fence once stood.

Would not the Morristown village green be a peculiarly suitable place on which to erect a monument to the memory of the American soldiers of the Revolution, now buried in the county, the graves of many of whom are unknown, and of more of whom the same will soon be true?

In the latter part of May, 1777, Washington's recuperated army broke camp at Lowantica, and with high hope marched away over the same route taken on its entrance into Morris County.

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Skelton



Huntingdon



Orkney



Caithness



Gloucester



Wilesbury

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER TWELVE

LINE OF THE SAXON KINGS

IN preceding chapters it has been shown how the Bruces of Scotland were descended from noble and royal ancestors of Normandy, Denmark, Norway, Scotland, and Ireland, inheriting their preeminence as a royal family from the great warriors who, violent and masterful, and yet with some display of rude statesmanship, opened the way for modern civilization on the western part of the Continent of Europe and the adjacent islands. Another royal descent was theirs; that of the Saxon kings who in the early centuries of the Christian era came to the island of Britain and laid the foundations for the wonderful nation that has in time been built to the admiration of all peoples.

Every schoolboy knows the story, how the Romans failed in the attempt to subdue the rude inhabitants of Britain, and abandoning their task left the islands to the semi-barbarious tribes that they had found there. Shortly the German tribes began to give attention to the island as a promising place for emigration and subjugation. Hengist and Horsa led the Jutes from Denmark in 449, and settled in Kent, becoming kings of that section. Then Aella came in 490 with his three sons, and made himself king of Sussex. Five years thereafter, in 495, Cerdic arrived with his son Cynric, and established the kingdom of the West Saxons, afterwards conquering the Isle of Wight. Cerdic was really the first king of the Saxon line which, for several centuries, held the land and its people, foreign and native, full in control and finally developed the nation of England out of this raw material. He has been called "the third monarch of the Englishmen." His ancestry has been traced

through eight generations to Odin, the great Scandinavian lord.¹ Gibbon called him "one of the bravest of the children of Wodin."

Cerdic came with a great force of ships and men, and from the time of his first landing, which was made at the mouth of the Itchin, he was uniformly successful in all his movements and in beating back the natives further and further to the interior of the island. His progress of conquest, although slow, was continuous and decisive, and finally he was able firmly to establish throughout the valley of the lower Avon those who came with him and others who followed after. There he became king of the West Saxons in 519. He died in 534 but not until he had seen his followers fixed in their new home, and could look forward with much of certainty to the future growth and development of a people already beginning to bear the impress of nationality.

It was a century and a half, however, after the reign of Cerdic, before the compact nation that we now know as England had come surely into stable existence. In the course of time seven different Saxon kingdoms, known in history as the heptarchy, existed in Britain. Of these the most powerful was that of Wessex where the descendants of Cerdic ruled. From Cerdic to Egbert many kings in direct line of descent ruled over Wessex. Rivals to them were the kings of the other Saxon states and all were continually in war with each other.

Gradually Wessex, or West Saxon, grew more and more powerful until it finally engulfed all the other Saxon states, Kent, Northumberland, East Anglia, Mercia, Essex, and Sussex. The situation was somewhat similar to that which existed in Denmark before the time of Harald Harfagra who conquered the other independent earls about him and consolidated their principalities into the kingdom of Norway. The difference was that in Britain the several Saxon kings were more powerful and more independent and possessed royal powers as well as royal descent, holding themselves in that respect not inferior to the kings of Wessex. But the descendants of Cerdic finally acquired sufficient strength to dominate the other kingdoms and maintain

1. "Manual d'Histoire, de Genealogie et de Chronologie," by A. M. H. J. Stokvis.

themselves as the sole royal house in southern and western England. This was the condition of things when Ealhmund, the direct descendant in male line from Cerdic, was the ruling king of the West Saxons. With his son Egbert began what is generally accepted as the Saxon line of the kings of England.

EGBERT OR ECGBERHT, son of Ealhmund, was, in his youth, driven from England by the joint action of Offa, king of Mercia, and Beorhtric, king of Wessex. He found safe refuge in the court of Charles, king of the Franks, afterward the Emperor Charlemagne, where he remained nearly thirteen years. It is supposed that he was banished in 789, and upon his return to England on the death of Beorhtric in 802, being well-accomplished in the arts of war, diplomacy, and government, he was accepted by the West Saxons as their king. At once on assuming control of affairs he was beset by uprisings of the people of Wales, Mercia, Northumbria, and other kingdoms, but compelled submission until he had united all the English race under one over-lordship. He was not wholly king of England but the kings over the different divisions of the country were dependent upon him and acknowledged his authority. In 834 he met a great force of invading Northmen in Dorsetshire and was defeated by them, but two years later he was more successful in routing the same enemies. He died in 839 having reigned more than thirty-seven years. He married Redburga. His children were Ethelwulf, of whom below; Aethelstan, who ruled over Kent and Essex; Editha, who became abbess of Pellesworth.

ETHELWULF, son of Ecgberht, during his father's lifetime, took part in the battling for the control of England, and succeeded to the kingship of Wessex on the death of his father in 839. Soon after he was mounted on the throne he lost his disposition for military affairs and endeavored to lead a quiet life, leaving to followers the work of defending the kingdom. In his times the Danes renewed their onslaughts but suffered defeat and the loss of many men so that temporarily they abandoned all efforts to conquer the land of the English.

He married, first, Osburgha, daughter of Oslac, the thane. Oslac was a Goth descended from Stuf and Withgar who, the

best commentators agree, were probably grandsons of Cerdic and sons of a sister of Cynric. He was a pincerna, butler or cup-bearer, of England, that being an office frequently held by nobles of distinction. He belonged to one of the ancient princely lines of the Jutes of Wight, established on that island after its subjugation by Cerdic. Ethelwulf married, second, Judith, daughter of Charles the Bold, king of France. His children by Osburgha were, Ethelstan, king of Kent, who died in 852; Ethelbald, who helped his father to achieve the victory over the Northmen at Ockley, in Surrey, in 851, became king of the West Saxons during his parent's life and, after his father died, married his father's widow, Judith, this scandalous union bringing upon him both church and secular condemnation; Ethelbert, king of Kent after the death of Ethelstan; Ethelred, king of Wessex, after the death of Ethelbald in 866; Alfred, of whom below; Ethelswith, who married Burhred, king of Mersia, and died a nun in 889.

ALFRED OR AELFRED, son of the preceding, was born in Wantage, Berkshire, in 849. Early in life he engaged actively in the fighting that had been going on for generations to keep the Danes out of England, and by 880 he had enlarged the bounds of his kingdom and had made himself recognized as the only English power in Britain able to bring the whole country into union and independence. Further warfare ensued but the country was nearly free from Danes by 897.

As a warrior, patriot, and legislator Alfred became the most famous of the race of Cerdic. An English writer says of him that he

“is the one great character of our early history whose name still lives in popular history. . . . Popular belief has made him into a kind of embodiment of the national being; he has become the model English king, indeed the model Englishman.”²

The same writer, asserting that he has received credit for many things that he did not do, adds:

“and yet even the legendary reputation of Alfred is hardly too great for his real merits. No man recorded in history seems ever to have united so many great and good qualities.”²

Historians of all ages have united in his praise. Keightly compared him with Marcus Aurelius, Mirabeau esteemed Charlemagne as his inferior, and Voltaire maintained that there never existed on the earth a man more worthy of posterity's respect. He died October 28, 901.

He married, in 868, Ealhswith, daughter of Ethelred, surnamed the Mickle, earldorman of Mercia, and his wife Eadburk. She died between the years 902 and 905. His children were: Eadward, of whom below; Ethelward, who was born in 880 and who died in 922; Ethelfleda, who married Ethelred, duke of Mercia, became known as The Lady of Mercia and, after the death of her husband, administered the affairs of the kingdom with marked ability; Ethelgiva, abbess of Shaftesbury; Elfthryth, or Alfritha, who married Baldwin II., count of Flanders, and was the great-great-great-grandmother of Baldwin V., count of Flanders, whose daughter Matilda was the consort of William the Conqueror; she died in 929.

EDWARD, OR EADWARD, called the Elder, eldest son of King Alfred and Ealhswith, bore the title of king as early as 898, being recognized as his father's chief supporter and assistant. Upon the death of his parent he was chosen by the witan to succeed to the throne. He ably carried on the work of upbuilding and strengthening the kingdom that had been begun by his predecessor and his success brought to him the title of "the unconquered king," as recorded by the historian Florence of Worcester. He died at Farndon in Northamptonshire in 924 in the twenty-fourth year of his reign.

He married, first, Ecgwyn or Egwina, a lady of high rank; second, Elfreda or Aelfaed, daughter of Earl Ethelhelm and his wife Ealhswith; third, Edgiva, or Eadgifu, daughter of the Earl Sigelline, lord of Meapham, Culings, and Lenham in Kent. His children by Egwina were: Athelstan, who was born about 894 or 895 and succeeded his father on the throne and under whom the sovereignty of the whole island was achieved and the kingdom of England fully established before his death in 941; Editha, or Eadgyth, who married Sightric, the Danish king of Northum-

2. "Dictionary of National Biography," by Leslie Stephen.

bria. The children of Edward by Elfreda were: Edward; Edwin, drowned at sea in 933; Elsfeda, a nun at Wilton or Ramsey; Egvina, or Eadgiful, who married, first, in 919, Charles the Simple, king of France, by whom she had King Louis and a daughter Gisella, first wife of Rollo, duke of Normandy; Ethelhild, a nun at Wilton; Ethelda or Eadhild, who married Hugh the Great, count of Paris; Elfgifu or Adela, who married, about 936, Eblus, son of the count of Aquitaine; Edith, or Eadgyth, who married, in 930, Otto, afterwards emperor of Germany, and who died in 947. The children of Edward by Edgiva were: Edmund, of whom below; Edred, who came to the throne and died in 955; Edburga, a nun at Winchester; Eadgifu, or Edgiva, who married Lewis, king of Arles or Provence; Gregory, abbot of Einsiedlen.

EDMUND the Elder, son of Edward the Elder and his wife Edgiva, was born about 922. He succeeded to the throne after the death of his elder half-brother in 941. His reign of nearly six years was strenuous for he was in constant warfare with the Danes, the Norwegians, and the northern Celts. He died in 946. At a banquet in celebration of the feast of St. Augustine he was stabbed to death by an outlaw named Liofa. He married, first, Elgiva, or Elfgifu, a princess of exemplary piety who died in 944 and was hallowed as a saint. He married, second, Ethelflaed, daughter of Elfgar, an earldorman. His children by Elgiva were: Edwy or Eadwig; Edgar, or Eadgar, of whom below.

EDGAR the Peaceful, son of the preceding, was born in 944, the year of his mother's death. Before he ascended the throne, Edred his uncle and Edwy his brother ruled, the first for nine years and the second for four years. There was some fighting in the early part of his reign, with the Welsh and the Northumbrians, but on the whole his rule was "a period of national consolidation, peace, and orderly government." He was particularly successful in the pacification of the Danish people settled in Britain. Although he held the scepter from 959, he was not crowned until 973, the ceremony taking place at Bath on Whitsunday. After the coronation he sailed to Chester and it is recorded^s that there eight Anglo-Saxon kings, Kenneth of Scot-

land, Malcolm of Cumberland, MacOrrie of Anglesey and the Isles, Inkel of Westmoreland, Jago of Galloway; and Howel, Dyfnwal, and Griffith of Wales—met him and swore to be faithful to him, and to be his fellow workers by sea and by land.

Edgar was devoted to the church and a generous patron of the monks, and enacted wise laws for the government of his people. The characteristic of his reign which most impressed the men of his own time was well expressed in the saying "God granted that he dwelt in peace." He died July 8, 975, at the early age of thirty-two and was buried at Glastonbury. Fifty years later he was revered as a saint. He married, first, about 961, Wulfrid or Wulfthryth; second, Elfreda, or Ethelflaed, known for her beauty as "the white duck," daughter of Ordmar, earldorman of East Anglia; third, Elfrida or Elfthryth, daughter of Ordgar, earldorman of Devonshire. His children by Wulfrid were: Edith, or Eadgyth, who was born in 962, became a nun of Wilton, where her mother is said to have been abbess, and was sainted after her death in 984 at the early age of twenty-three; Edward, who was king in 975 and being assassinated in 978, at the instigation of his stepmother Elfreda, became known as Edward the Martyr. His children by Elfrida were: Ethelred, of whom below; Edmund, who died in 971 or 972.

ETHELRED II., surnamed the Unready, son of Edgar and Elfrida, was born either in 968, or in 969. Succeeding his brother Edward he was crowned at Kingston by the Archbishop Dunstan in 978 or the next year. From the beginning of his reign evil was prophesied concerning him and events bore out the prognostications. The Danes and Northmen renewed their attacks upon the coasts of England and for nearly a quarter of a century carried on their depredations. Various expedients were adopted to free the country from these marauders. Treaties were made with them; from time to time their departure was purchased by the payment of large ransoms; occasionally they were beaten in battle; in 1002 there was a cold-blooded massacre of those then living in England.

3. "Chronicles of Florence of Worcester."

Still the invasions continued until, in 1013, Swend of Denmark, who had already led many expeditions thither, came again with a splendid fleet and received the submission of all northern England. Ethelred fled to Normandy for safety. He returned shortly after and drove out the Danes under Canute, but his triumph was the only temporary and with him the Saxon rule of England practically came to an end. He died in London, April 23, 1016.

He married, first, in 984, Elgiva or Elfgifu, daughter of Thorred, an English earl; second, in 1003, Emma, called for her beauty, "the pearl of Normandy," daughter of Richard I., duke of Normandy. His children by Elgiva were: Ethelstan, who died in 1016; Ecgberht, who died about 1005; Eadmund, of whom below; Eadred; Eadwig, who was banished by King Canute and slain by his order in 1017; Eadgar; Eadward; Wulfhild, who married Ulfcytel, earldorman of East Anglia; Eadgyth, who married Eadric Streona, earldorman of the Mercians; Elfgifu, who married Earl Uhtred. His children by Emma of Normandy were: Eadward, who was born in 862, ascended the throne on the death of the Danish king Harthcanut in 1042, and was known as the Confessor, his devotion to religion and his munificence to the church winning ecclesiastical commendation so that in 1161 he was canonized by Pope Alexander III.; Aelfred, who was slain in 1036 by Earl Godwin; Godgifu, who married, first, Drogo, count of Mantes and, second, Eustace, count of Boulogne.

EDMUND II., OR EADMUND, called Ironside, son of Ethelred the Unready, was born after 981. He inherited the throne on the death of his father in 1016 and made a bold effort to revive the falling fortunes of his house. He could not wholly overcome the Danes under Canute and finally was forced to divide the kingdom with the Danish rival for the throne. He died suddenly November 30, 1016. The cause of his death is left uncertain by the chronicle writers but there is very general agreement that he was assassinated at the instigation of his brother-in-law Eadric Streona. He married, in 1015, Algita or Ealdgyth, widow of the Danish earl Sigeferth. His children were: Edmund, who fled with his brother from England to escape from the victorious

Danes, and was protected and educated by Solomon, king of Hungary; Edward, of whom below.

EDWARD, surnamed the Outlaw, son of the preceding, was long an exile from his native land during the reigns of the last kings of his line. He lived at the court of Hungary, until recalled by his uncle Edward the Confessor in 1057 that he might be made heir to the throne. He died within a month after reaching London. He married the Princess Agatha, daughter of Henry II., emperor of Germany. His children were: Edgar, the Atheling, who married Margaret, sister of Malcolm III. of Scotland, and died without issue; Christiana, a nun; Margaret, who married Malcolm III. of Scotland and became the ancestress of the Bruces.

CHAPTER THIRTEEN

BRUCE ANCESTRY FROM ROYAL HOUSES OF CONTINENTAL EUROPE

AS has been already shown in other chapters, the Bruces of Scotland derived their claims to regal rights and honors from the ancient Scottish kings and the Irish kings who preceded those first conquerors of North Britain, and also from the original Saxon line of English kings. Beyond that they had the distinction of being allied to the princes and earls of Scandinavia, as was pointed out in the chapter on their Scandinavian origin. Their royal ancestry was not, however, limited to those pedigrees, for they could boast also of descent from the great ruling houses of Continental Europe which, in the opening centuries of the Christian era, were dominant in the control and direction of affairs in that part of the world.

By the marriage of the seventh Robert Bruce with a descendant in the sixth generation from William the Conqueror, subsequent Bruce generations had the inheritance of the blood of the masters of Western Europe. From William the Conqueror they went back through the dukes of Normandy until this line of their pedigree met an ancestor who was the common founder, on the male side, of both the Bruce houses and that of Normandy. Also through the line of William the Conqueror they

traced to the Emperor Charlemagne and his ancestors of the Carolingian line of princes, to the house of Vermandois, and to other famous overloads of mediæval times in Germany and France. Through Matilda, the consort of William the Conqueror, they went back to the house that produced the celebrated and powerful counts of Flanders and to the noble families that were allied to and became part of that line.

ROLLO, who was the founder of the ducal house of Normandy, was the son of Rognvald, earl of North Mere and South Mere in Norway, by his wife Hilda, daughter of Rolf Nefia. Einar, who became an earl of Orkney and was in the direct male line of Bruce, was his half-brother. He was a very tall man and wherever he went he marched a-foot rather than ride on the small Norwegian ponies. For this peculiarity he was nicknamed Ganger or Walker, and was thus known throughout his life. When he came to mature years he developed into a man of ambitious and turbulent character. And it was soon apparent that he was marked by destiny for greater things than were possible to the narrow field of his native land.

King Harald of Norway was then engaged in his effort to bring the lesser chieftains or earls of that country under his centralized control and to bind them into something that should resemble a united nation. One of the first measures that he instituted for the accomplishment of this end was to interdict the predatory warfare that these independent or semi-independent lords had hitherto been accustomed to wage upon each other, his plan being to make them more and more interdependent and to establish more kindly relations between them. Rollo was impatient of this exercise of authority by Harald and would not yield to the domination of that prince who was so rapidly growing in power and influence. Holding himself entirely free from Harald and the other earls who had already acknowledged themselves as dependents of Harald, he continued to plunder according as opportunity offered.

“Rolf would be ever a-harrying in the East-lands, and on a summer when he came to the Wick from his Eastland harrying he had a strand-slaughtering there. King Harald was in the Wick at that time, and was very wroth when he heard hereof,

for he had laid a great ban upon robbing in the land. Wherefore at a Thing (or assembly) he gave out that he made Rolf outlaw from all Norway. But when Hild, the mother of Rolf, heard thereof she went to the King and prayed him for the peace of Rolf; but the King was so wroth that her prayers availed nought. Then sang Hild:

‘Thou hast cast off Nefla’s namesake;
Brave brother of the barons,
As a wolf from the land thou drivest.
Why waxeth, lord, thy raging?
Ill to be wild in quarrel
With a wolf of Odin’s warboard.
If he fare wild in the forest
He shall waste thy flock right sorely.’ ”

Thereupon Rollo decided that, rather than yield to Harald, he would break with that prince and hold to his independence. He brought together a small fleet of vessels and manned them with followers who were as independent and as venturesome as himself, and sailed away from Norway seeking new adventures. First he went to the Hebrides, overrunning those islands, and it is said that he even planned to invade the greater island of Britain from its north shores and attempt the conquest of the people there. It is a singular coincidence that, having been diverted from this project, it was left to his descendants several generations later to accomplish the same purpose by entering England from the south and acquiring domination of the land that their far-away ancestor had cast covetous eyes upon.

With Rollo at this time other councils prevailed, and he turned the prows of his vessels toward the mainland of Europe, stopping on the way thither to conquer Friezeland. Arriving at the continent he established himself and his companions in Neustria, making the city of Rouen his headquarters. Years of fighting with King Charles of France followed, but his mastery of Neustria was finally acknowledged and that province was erected into the duchy of Normandy. The first duke was a man of uncommon wisdom and energy and before he died he had established Normandy firmly among the powerful nations of the

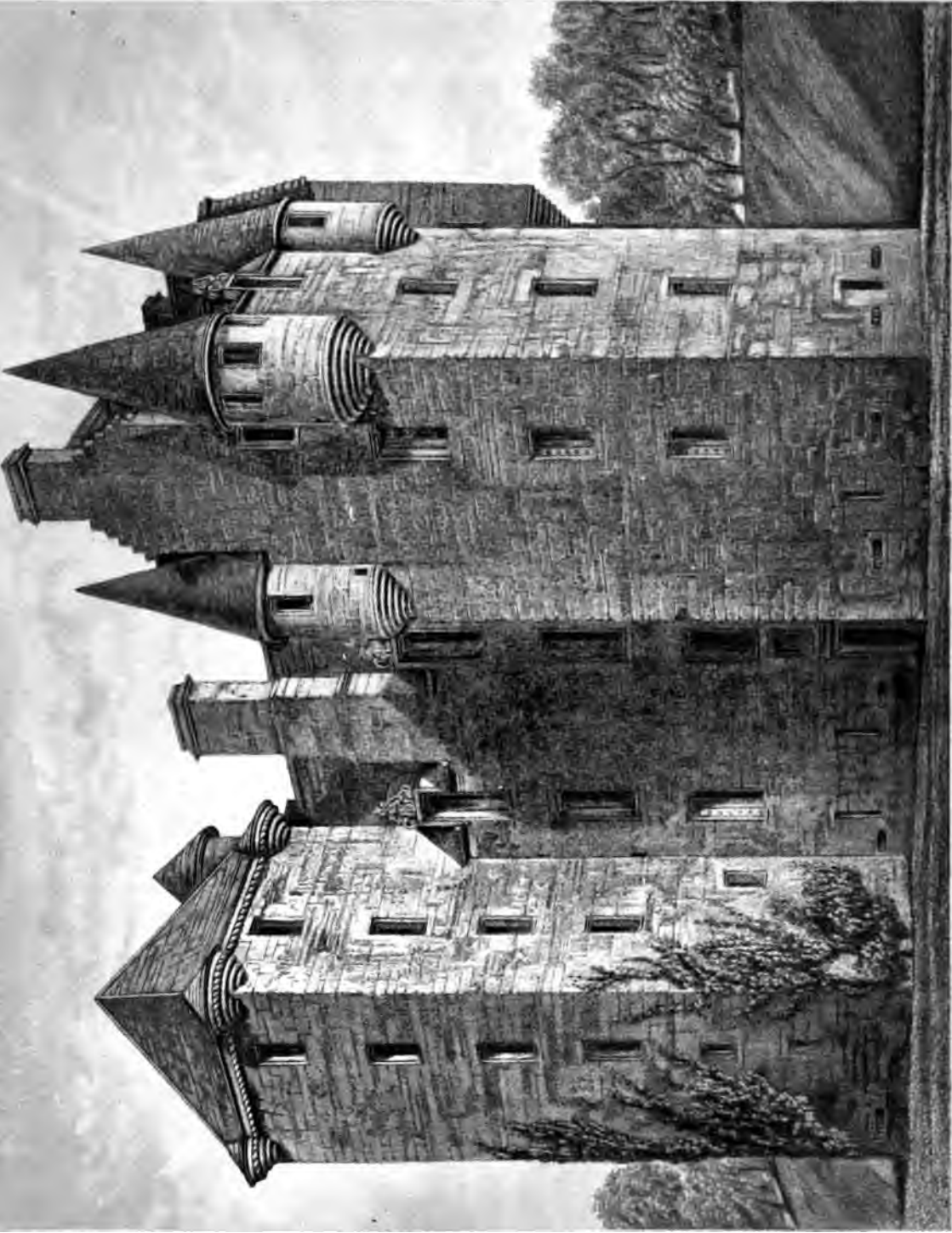
4. "Heimskringla," by Snorre Sturlason.

world. He accepted Christianity, in form at least, and upon being baptized received the name of Robert.

He died about 931. He married first, Gisele, daughter of King Charles the Simple of France; second, Papia, daughter of Berengier, count of Bayeaux. His children, by his wife Papia, were: William, duke of Normandy, of whom below; Robert, Count of Corbeil, whose descendants became the ancestors of the noble English families of Gloucester and Granville; Crispina, who married Grimaldus I., prince of Monaco; Gerletta, who married William II., duke of Aquitaine, their great-great-granddaughter Eleanor, duchess of Aquitaine, becoming the wife, first, of Louis, king of France, and, second, of Henry II., King of England.

WILLIAM, son of the preceding, was surnamed Longa Spatha, or Long Sword. He succeeded to the ducal throne upon the death of his father in 931. His reign was short and troublesome, and he left a record of feebleness as a governing prince. He was well-intentioned, but his abilities were of less marked character than those of his father. He was surnamed Sans Peur, a sufficient indication of his character and of the popular estimation in which he was held. His death was accomplished through the treachery of Arnulph, count of Flanders. Disagreements existed between him and the princes of adjoining kingdoms, and he was persuaded to a conference to discuss the difficulties and an arrangement of terms for peace. There, however, he met death instead of peace, being murdered by Arnulph. He died in December, 943. He married Adela, daughter of Hubert, count of Senlis.

RICHARD I., son of the preceding, was born in 933, and therefore was only ten years old when his father's death put upon him the burden of the dukedom. Following a regency of a few years he assumed personal direction of affairs and reigned for fifty-five years. During his lifetime wars with other nations were incessantly waged by him, with varying results but generally to the success of the arms of Normandy. Among the great contests that he was called upon to engage in were those with Hugh the Great of France, and Otho of Germany. He was renowned for his bounty to the clergy, and built the cathedral at Rouen,



STEWART CASTLE

and other religious edifices. In his discussion to the dukedom he was Richard II. He married Gonnor, a lady of high birth, and by her had four sons and three daughters. His daughter Emma married, first, Ethelred of England, and after the death of her husband, married, second, Canute the Great of England, and became the mother of Hardicanute. This alliance constituted the substantial basis for the claim which several generations later the famous descendant of Duke Richard I., William the Conqueror, set up and successfully maintained for the possession of England.

RICHARD II., the eldest son of the preceding, was surnamed the Good. He reigned thirty years after succeeding to the dukedom upon the death of his father, and during that time was celebrated for his display of desire for justice, for his courage, and for his religious disposition. He was well beloved by the people over whom he was on the whole a beneficent ruler. He won the esteem of the neighboring princes and nobles and was less in war than most of his predecessors or contemporaries. He was a strong ally of the king of France and assisted that monarch in the conquest of Burgundy.

He died at Fecamp, August 23, 1026. He married, first, Judith, daughter of the duke of Brittany, by whom he had six children; second, Estrith, sister of King Canute and daughter of Swene, king of Denmark; third, Papia, a Danish lady of good family. By his wife Judith he had Richard, the third duke of Normandy, who died in 1027 without issue, and Robert, who succeeded his brother. Leonore, his daughter, married Baldwin IV. of Flanders, who was the father of Baldwin V. and the grandfather of Matilda, who became the wife of William the Conqueror, the grandson of this Richard.

ROBERT, duke of Normandy, son of the preceding, was surnamed Le Diable, although his character seemed anything but deserving of that nickname, for according to one of the old chroniclers he was "courteous, joyous, debonnaire and benign." He was better called the Magnificent, and after he had succeeded to the dukedom he was engaged actively in measures to broaden the extent of his possession and to strengthen his power. He helped to restore King Henry of France to the throne from which

that monarch had been excluded, and in 1051 made an important visit to the English court for the purpose of securing his recognition by Edward the Confessor as a possible heir to the English throne. Already a Norman party had developed in England and Duke Robert evidently considered the time opportune to press the interests of his family in that direction. In the eighth year of his reign he made a journey to the Holy Land, and on his way home he died at Nice in June, 1035, and was buried in a church in that city.

WILLIAM, son of the preceding, was born at Falaise in 1027 or 1028. He was a favorite with his father who, as soon as the boy came to maturity, began to plan to have him as his successor, although by birth he was not entitled to that advancement. When Duke Robert set out on the pilgrimage to the Holy Land that ended in his death, he called his nobles and other followers about him and indicated in the strongest terms his desire that William should be accepted as his successor. The nobles yielded to his wishes and therefore upon his death in 1035 William was recognized as the head of the house. The new duke proved to be a man of wonderful energy and discretion and of marked skill as an administrator of government.

The agitation in England for the reception of the Normans as a ruling house, that had been begun in the reign of his grandfather, had developed to a high point by this time and it was clearly recognized that Duke William had before him every opportunity that an ambitious man in those days could desire to add the island across the Channel to his own already large and powerful domain. Upon the death of Edward the Confessor the contest for the rich prize waxed strong between Edgar, the last of the Saxon line, Harold Godwin, of an ambitious but not royal house, and the duke of Normandy.

Every reader of history knows the result. In the battle of Hastings, in 1066, William of Normandy overthrew the Saxon rule of England and planted himself so firmly upon the island of Britain that the old Saxon authority forever disappeared. For over twenty years he ruled as king of England and at the same time was duke of Normandy; elevating himself and his family into a position of the highest rank and the greatest power among

the then known kings and princes of Europe. He died September 8, 1087, and dividing his great kingdom he gave Normandy to his son Robert, and England to his son William Rufus. To his son Henry he gave a large sum of money only. He married Matilda, daughter of Baldwin V., count of Flanders and Artois.

HENRY, son of the preceding, was born in 1068. In his early years, after the death of his father, he was engaged in constant contention with his brothers, King William Rufus of England, and Robert, duke of Normandy, principally over the possession of Normandy and the right of succession in England. Upon the death of William Rufus the witan chose Henry to be king of England, and he became Henry I. in 1100, when he was thirty-two years of age. He made a record as an active and industrious king, considerate of the people, and like all the princes and nobles of that age, a benefactor to the church. He spent considerable time in Normandy and was of course drawn into the contentions that were constantly carried on between the different kings of Western Europe. He died near Lyons, France, in December, 1135. He married Maltida, daughter of Malcolm Canmore, king of Scotland. His daughter Matilda married the emperor Henry of Germany in 1114 and afterwards Geoffrey of Anjou.

ROBERT, son of the preceding, was the favorite son of his father who created him earl of Gloucester and endowed him with considerable property. He died in Bristol, England, October 21, 1147. He married Mabel, who by some authorities is named Matilda and by others Sybil, a daughter of Robert Fitz-Hamon, and had six children. His son William, the second earl of Gloucester, was the father of Amicia who married Ralph de Clare and had Gilbert, earl of Gloucester, whose daughter Isabel de Clare, married Robert Bruce, seventh of the name, in 1240.

MATILDA, who married William the Conqueror and was the ancestress of the Isabel de Clare who married the seventh Robert Bruce, belonged to the house of the Counts of Flanders, who ruled that important domain for hundreds of years, and who were connected in marriage with the Carlovingian kings and other princes of that period.

BALDWIN, count of Flanders, surnamed *Bras de Fer*, or *Iron Arm*, was a great-grandson of Lyderic, count of Harlebec, the first hereditary governor of Flanders. Baldwin became count of Flanders in 858. He died in 879. He married, for his second wife, in 863, Judith, widow of Ethelwulf of England and daughter of Charles the Bold, grandson of Charlemagne.

BALDWIN, the second count of Flanders and Artois, son of the preceding, was surnamed the Bold. He died January 2, 918. During his lifetime he was engaged actively in war against the kings of France Eudes and Charles the Simple. He married, in 889, Alfritha, or Aelfthryth, daughter of Alfred the Great.

ARNULF I., count of Flanders and Artois, son of the preceding, was surnamed the Great. He died at the extreme age of ninety-two. He married, in 923, Alisa or Alice, daughter of Heribert, count of Vermandois, who was in the fifth generation from Charlemagne.

BALDWIN III., son of the preceding, was the next count of Flanders and Artois. He ruled from 958 to 961. He married, in 951, Matilda, daughter of Herman Billung, duke of Saxony.

ARNULF II., son of the preceding, succeeded to the title of count of Flanders and Artois. He died in 988. He married Rosala, daughter of Beranger II., king of Provence and Marquis of Friuli.

BALDWIN IV., son of the preceding, was named the Fairbeard, and became count of Flanders and Artois in 988. He was a man of much energy and made large additions to the family domain by conquest, especially Valenciennes. The Emperor Henry II. endowed him with the island of Wacheren. He married either Originia, daughter of Frederick, count of Moselle, or Eleanor, daughter of Richard II., duke of Normandy.

BALDWIN V., of Lille, son of the preceding, was known as the Pious and also as the Debonnaire. During the minority of his nephew, King Philip I. of France, he was a regent of that kingdom. His military activities were never-ceasing, and he conquered Hainault and also helped his son-in-law, William of Normandy, in that monarch's enterprises. He died in 1067. He

married, in 1027, Adele, daughter of Robert, king of France, who was a son of Hugh Capet. She died in 1079. Their daughter Matilda married William the Conqueror.

In the young centuries of the Christian era two great powers existed in Continental Europe, the Franks and the Lombards, preceding the growth to power of the Carlovingian kings. Western Europe was beginning to emerge from the barbarism in which the Romans had found and left it, and masterful lords were developing among the different tribes in that part of the world and making their people into nations. Clovis, the first great leader of the Franks, was supreme over Gaul about the year 500. He was of the Merovingian dynasty, of which Merowig was the founder, and which had become supreme among the powers then existing. Following the death of Clovis, in 511, the kingdom began to split up and finally became divided principally into Austrasia, Neustria, and Burgundy.

PEPIN of Landen came into control in Austrasia. He was a prince who held the rank of mayor of the palace, but practically he was the ruler of the country, the nominal king being merely a figurehead. One of his daughters married Anseghis who was the son of Arnulf, bishop of Metz, through whose influence Pepin had been elevated to the position that he held.

PEPIN of Herstal, son of Anseghis by the daughter of Pepin of Landen, not only strengthened himself in the kingdom of Austrasia, but also conquered Neustria and welded the two kingdoms under one control. Although he found the Carlovingian family already established in high rank among the lords of Austrasia and regarded with deference by the nobles of other countries, he advanced its prestige still higher and increased its power. He did not hesitate to lead a revolt against King Dagobert, and overcoming that monarch, received the title of the Duke of Franks. In time he subdued all Northern Gaul. He died in 720.

CHARLES, son of the preceding by his wife Alpaida, became one of the most distinguished monarchs in his line previous to the advent of the greater Charlemagne. He was duke of Austrasia and mayor of the palace of the Frankish kings. Early in life he was engaged in rebellion against his step-mother who

was planning to secure the succession to the throne for her son to the exclusion of Charles. By his superior talent and energy, he was able to subvert the plans of his stepmother and his half-brother and to ingratiate himself with the other Austrasian nobles. His supporters made him duke of Austrasia, and he conquered Neustrasia which had endeavored to break away from the alliance that had been made by his father Pepin.

For a time—some twenty years—he allowed the throne that his father had bequeathed to him to lie vacant, but in 742 he became lord of the united kingdom of Austrasia and Neustria. In several campaigns that he inaugurated against the German nations he was preeminently successful, but he gained his greatest fame by repelling the Moslems who, starting from Spain and sweeping northward, endeavored to bring all Western Europe under their control, or to lay waste to it. He met the Moslem forces at Poitiers in 732, and defeated them so completely that they were hurled back a mass of disorganized soldiery into the mountains of Spain. From this victory he got the name Martel, or hammer, thus being known to history as Charles Martel. He annexed to the Frankish empire all of Aquitania, and when he died left the kingdom which he had received from his father so well established that it was fast becoming one of the great nations of the continent.

PEPIN II., son of Charles Martel, was born about A. D. 715. He was surnamed *le Breuf*, the Short, but belied his nickname by proving to be a man of extraordinary prowess and of physical ability. Receiving from his father the control of Neustria, Burgundy, and Provence, he governed those countries with diligence and skill. He did not personally ascend the throne, but for diplomatic reasons placed thereon a Merovingian prince, Childeric II., who made an imposing figurehead but had no real power. Pepin had a brother, Caroloman, who for a time divided authority with him, but upon the death of this brother he became the recognized ruler over all that territory that in subsequent times became France. He sent Childeric to a monastery, and supported by the church and other nobles, came forward as the real monarch and was crowned in 752. One of the most brilliant achievements of his life was his victory over the Lombards in

755, as a result of which he founded that temporal sovereignty that has ever since been part of the Holy See. For eight years, 760-68, he was engaged in a destructive war with Aquitania which resulted in his triumph over the opposing nation. He died in 768.

CHARLEMAGNE, son of the preceding, was born April 2, 742. His brother Caroloman preceded him in authority, but after the death of his father Pepin and his brother, he attained position at the head of the entire Frankish kingdom. Unquestionably he was the greatest figure in his age in the world. He became master of all Gaul and West Germany and maintained himself impregnable against all rivalry and against all enmity. Near the beginning of his career he was particularly fortunate in wars with Italy, Spain, Germany, and other nations, and by the close of the eighth century had enlarged his kingdom until it had become an enormous empire extending from the Baltic and the North Seas on the north to the Mediterranean and the Adriatic on the south, and from the Atlantic Ocean to the Oder and other eastern rivers of Germany.

Not only was Charlemagne noted as a warrior and as a founder of empire, but he was even more famous perhaps as a law-giver and as a patron of art, science and learning. Not only did he unite the Germanic and Frankish peoples, but he taught them again the arts of literature and science which had been well nigh forgotten in the dark ages. He encouraged trade and bent his energies more toward making his people pacific than warlike. He revived learning in a way that has made his name synonymous with culture, establishing some of the most famous schools of learning that the world had known up to that time outside of Greece and Rome. He was one of those few great men who have arisen at far distantly separated periods of time, who, with power of mind and mastery of execution and energy of purpose, have by their efforts changed the face of the world, altered the trend of history, and inaugurated a new era of civilization. In addition to his other varied accomplishments he was a man of literary skill and was the author of many works of importance. He died in 814.

Louis le Debonnaire, son of Charlemagne by his wife Hildgarde of Swabia, was named not only the Complaisant but also

the Pious, for the many good deeds that distinguished his life. He was born in Casseneuil, Aquitania, in 778. As a child he received the title of King of Aquitania, but was not active in ruling until after the death of his father, in 814, when, as the only surviving son, he succeeded to the head of the nation that his father had brought together. His disposition was not only entirely toward government, and he felt that his kingdom was fast becoming unwieldy. Accordingly, in 817 he divided it with his sons, giving Aquitania to Pepin, Bavaria to Louis, and Italy to Lothair.

This division, instead of pacifying the ambitions of the sons, served to stir up rivalries and animosities and henceforward Louis was in constant trouble with the members of his family. Ultimately he was deposed and his wife was imprisoned in a convent. In 830, however, the people of Germany, who were much attached to him, restored him to his throne and released his wife from the convent. His position was maintained only for a short time for again he was overthrown by his son Lothair who with unfilial spirit subjected him to great indignities. For the third time, after considerable fighting, he remounted the throne in 835, but it continued to be a troublous seat for him, although he was able to maintain himself thereon until the end of his life. He died June 20, 840, and with him began the dissolution of the Carlovingian empire. He married Judith the Fair, daughter of Welfus I., count of Altof, Switzerland; she died April 19, 843.

CHARLES le Chauve, the Bold, son of the preceding, was born in Frankfort-on-Maine in 823. He became emperor of the West in succession to his father Louis, and was also king of France and Neustria. In fact his inheritance comprised nearly the entire western empire, but he was not permitted to enjoy this quietly, for his brothers were ambitious of territory and desirous of elevating themselves to kingly positions. Establishing his authority over the territory now known as France, he became emperor in 875. His brother, Louis of Bavaria, retained Germany, while Charles in the end confined himself almost exclusively to the kingdom of France. He died October 6, 878. He married Richilda, daughter of Bovinus, count Aldemir Waldi.

JUDITH, daughter of the preceding, married, first, Baldwin

Bras de Fer, and second, in October, 863, Ethelwulf of England. By her husband, Baldwin Bras de Fer, she became the ancestress of Matilda, the wife of William the Conqueror, and through her, the ancestress of the Bruces of later generations.

ROBERT the Strong was at the head of the noble house that claimed the kinship of France in rivalry with the Carlovingians and that included the founder of the Capetian dynasty. He was a Saxon warrior who held in fief the provinces of Anjou, and afterwards was possessed of the duchy of Ile-de-France. He was best known for his brilliant struggle in keeping the Norman invaders of France at bay in the ninth century; and thereby he won enduring popularity with both the nobles and the commonalty. He died in 866.

ROBERT, second son of the preceding, succeeded his father as royal claimant, and was the leader of the barons who rose against the Carlovingian kings and maintained warfare with more or less success. He married Beatrix, daughter of Heribert I., count of Vermandois.

HUGH the Great, son of the preceding, succeeded his father. He was count of Paris and Orleans and duke of France and Burgundy. He held under control the vast dominion that extended from the Loire to the frontier of Picardy. He married Hedwiga, daughter of Henry I., emperor of Germany. Henry of Germany, called the Fowler or the Falconer, was the first Saxon king of Germany. He was born in 876, the son of Otho, the illustrious duke of Saxony. He succeeded his father to the dukedoms of Saxony and Thuringia, and upon the death of Conrad, duke of the Franks, he was chosen to that dukedom in 910. He consolidated all Germany under his rule, defeated the Hungarians in 933, and the Danes in 934, and achieved other successes in war. He died in 936 after an eighteen years' reign, leaving a large and powerful kingdom soundly established.

HUGH CAPET, son of Hugh the Great by his wife Hedwiga, and grandson of Emperor Henry I. of Germany, was born about 940. He is celebrated as the founder of the Capetian dynasty, the third race of French kings. He inherited from his father the duchy of France and the county of Paris and soon became one of the most powerful princes of his age. Upon the death of Louis V., the last of the Carlovingian kings, the nobles and

bishops assembled and selected Hugh Capet to hold the throne. He was crowned July 3, 987. His reign was illustrious beyond that of any of his predecessors, and he ended by making the crown an hereditary possession of his family, bequeathing it directly to his son Robert. He died in 996.

ROBERT I., king of France, son of the preceding, was born in 971. He had a long but inglorious reign, remaining on the throne twenty-five years. He was of an easy, kindly disposition and was never able to quiet the turbulent nobles who surrounded him. His ambitious queen and her followers made particular trouble for him, and it is said that he felt quite resigned when the approach of death indicated that he was to be liberated from the cares of his lifetime. He died in 1031. He married Constance, daughter of William, count of Toulouse.

ADELE, daughter of the preceding, married, first, Richard III., duke of Normandy, and second, Baldwin V., count of Flanders. Matilda, daughter of Count Baldwin and Adele, married, as we have before seen, William the Conqueror, and became the ancestress of the Bruces.

PEPIN, founder of the house that produced the counts of Vermandois, was one of the sons of Charlemagne. He became king of Italy, and of other countries of Europe. He died in 810.

BERNARD, son of the preceding, died in 818.

PEPIN, son of the preceding, manifested little disposition for the strenuous life of that period, and does not appear to have been in any way conspicuous in the battling for power and possessions that absorbed the attention of the men of that age.

HERIBERT, son of the preceding, became the first count of Vermandois and maintained himself securely in mastership over that little kingdom. He died in 902.

HERIBERT, son of the preceding, succeeded to the throne of Vermandois in 902. He died in 943, after a long, peaceful reign.

ALISA, daughter of the preceding, married Arnulf I., count of Flanders and Artois, from whom in the sixth generation, descended Matilda, who married William the Conqueror.

(To be Continued).

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MRS. JAMES MADISON
[From a portrait by Gilbert Stuart]

SOCIAL AMENITIES IN EARLY WASHINGTON SOCIETY

BY CORRA BACON-FOSTER

THE Washington of Jefferson's and Madison's times was not a desirable place of residence if we may credit the many bitter complaints of the unfortunates whose governmental duties compelled more or less lengthy sojourn in the embryo city; great too had been the disappointment of enthusiastic investors in town lots and buildings in which many fine fortunes had been sunk. On paper it was the city of broad streets, diverging avenues and beautiful parks as we enjoy it to-day, but in reality it was the unfinished north wing of the old capitol and the executive mansion—also unfinished—with several scattered little settlements, some roads cut through the woods and a handsome bridge over Rock Creek connecting with George Town.

But there was even then, as ever since, a resident society of unusual brilliance. The leaders were undoubtedly Captain and Mrs. Tingley, so long at the Navy Yard, Dr. and Mrs. Thornton, Thomas Law,—whose wife was the granddaughter of Mrs. George Washington—Col. and Mrs. Tayloe of Mt. Airy, and Mr. and Mrs. S. H. Smith of the *National Intelligencer*. In the official set were Mr. and Mrs. James Madison, the Smith brothers from Maryland, and Mr. and Mrs. Gallatin. The only diplomatic representatives were M. Pichon and his amiable wife—nee the Baronne Brogniart,—French chargé; Mr. Edward Thornton, a bachelor, British chargé, and Mr. Pedersen, also unmarried, Danish chargé; the Spanish government alone had an accredited minister to the United States, the Chevalier de Yrujo, who usually remained with his wife, the beautiful daughter of Governor McKean, in his elegant home in Philadelphia, coming only at intervals to Washington. As there was no mistress in President Jefferson's household Mrs. Madison gener-

ally assisted him in her own charming manner in the rare social functions at the executive mansion, which were limited to the public receptions on New Years and the Fourth of July and an occasional formal dinner.

Jefferson's first play in the presidential part was to the galleries; in order to win the hearts of his dear common people he thought it necessary to wear old and shabby clothing, to eschew social formalities, and to abolish all order of precedence at his table. He did not receive the applause he had expected and finally was forced partially to revise his program.

Our government was not pleased that Great Britain had failed to appoint a minister to succeed Mr. Liston in the United States. A skilful manœuvre on the part of our representative at London was followed by the selection of a Mr. Anthony Merry for the position. This worthy gentleman, ruddy of complexion, rotund of figure and phlegmatic in disposition as only an Englishman can be, had been an attaché of the legation at Madrid, and was considered a capable man; he had lately married a wealthy wife older and taller than himself; Tom Moore described her as "having been a fine woman;" events proved her at least not phlegmatic. After a stormy voyage and vexatious delays the diplomatic party reached Washington with servants, coaches and house furnishings sufficient for an establishment creditable in a finished city. Of course difficulty was experienced in finding shelter for it all, but finally it was crowded into communicating double houses.

Clad in full diplomatic uniform the newly arrived minister was introduced to the President by Mr. Madison who had thoughtlessly failed to give the punctilious envoy the least hint of the reception he would probably receive. After some little delay the president had entered the shabby parlors dressed as no gentleman should be even in the privacy of his own apartments, yet Jefferson who in Paris and in Philadelphia had always been correctly and neatly clad, well knew the requirements of his position. The English minister overwhelmed with surprise and indignation reported the scene in full to his government. To add to his discomfiture he was informed by Mr. Madison that he would be expected also to make the first calls

upon the cabinet ministers and that the customary privilege of a seat at the right of the presiding officer in the senate and house had been revoked. Mr. Merry expressed regret for his former position in Spain while Mrs. Merry expressed herself very volubly to Mr. Thornton on the question of "American manners."

Soon after came the invitation from the President to the dinner in their honor. This was Jefferson's first opportunity to establish his ideal of true Republican simplicity in the executive mansion; it was also Mrs. Merry's opportunity to dazzle and capture the small social world to which Hymen and the British government had consigned her. Clad in a resplendant costume of which a description has been preserved, she and her husband—quite splendid too as befitted his office—alighted from their coach at the door of the "palace" promptly at four o'clock to be cordially welcomed by Mrs. Madison. It is said to have been a dismal day in November but the drawing rooms had been made cheerful by the log fires blazing upon the hearths. The other guests were the Spanish minister and his wife, recently arrived for the season, some unremembered congressmen and strange to relate Chargé Pichon and his wife; England being at war with France, why did Jefferson thus violate this strict canon of diplomatic etiquette?

When dinner was announced Mrs. Merry was astonished to see the president turn from her to Mrs. Madison whom, despite her earnest protest, he escorted to the seat at his right. The witty wife of the Spanish minister, who had known Jefferson intimately from her childhood, caught the humor of the situation and laughingly, unescorted, took the seat at the president's left, thus very much displeasing her more dignified husband who seated himself next Mrs. Madison. Mr. Madison placed Mrs. Merry beside the chevalier. Mr. Merry would have taken the chair next Mme. deYrujo, but was crowded out by a young congressman and thereby forced into the place next Mme. Pichon.

Republican ideals would have dictated a menu of pork and corn pone moistened with hard cider, but Jefferson was an epicure and the spread was the best two French cooks with *carte blanche* could serve. Yet it is safe to assert that few of the

party enjoyed the delicious entrees and fine wines and that the president's liveliest sallies failed to dispel the embarrassment of the guests of honor.

Mr. Madison, secretary of state, who was a colorless imitator of his great model, soon sent out invitations to a dinner complimentary to the foreign ministers at which the same program with a few variations was carried out. Mr. Madison honoring Mrs. Gallatin, wife of the secretary of the treasury, Mrs. Merry was left for her husband to escort. Mme. deYrujo recollecting Mrs. Madison as the Widow Todd in the earlier days in Philadelphia found the situation too much for even her democracy and left the house Mrs. Madison never after recognized Mme. deYrujo. The two ministers resolved to escort their own wives thereafter, which was done at a dinner given by the Spanish minister the following week. Neither of the two ladies appeared at the executive mansion on New Years Day and every one knew the cause of their absence.

And then to complicate social matters still further there appeared at Washington Jerome Bonaparte with his bride, the beautiful, witty and ambitious Elizabeth Patterson of Baltimore. She dressed in the height of the newest Parisian fashion; a naughty newspaper man wrote his journal—"notwithstanding the inclemency of the season her costume could have been packed into a snuff box." She was the niece of the powerful brothers, General Samuel Smith, senator, and Robert Smith, then secretary of the navy. Robert Smith kept the most elegant official establishment in Washington. The president promptly invited the Bonapartes, Smiths and Pichons to dine with him. On this occasion he very properly honored the great first consul's sister-in-law, thereby creating the impression that he favored the cause of the French in the titanic struggle with England.

Society now resolved itself into three hostile camps; the two ministers, making common cause socially while opposed politically, held weekly drawing-rooms in their handsomely appointed residences and drew about them a coterie of disaffected federalists and the members of the foreign establishments; Mrs. Madison in her George Town home held her usual weekly drawing rooms and levees which her cordial charm made very popular

with the administration and resident circles; Robert Smith's dinners and balls were the events of the season.

When such capable and fearless women as Mrs. Madison, Mrs. Merry, Mme. deYrujo and Mme. Patterson-Bonaparte enter the social lists there is bound to be a battle royal, and it is a matter of regret that our favorite Dolly Madison was not always the victor. Washington was a very small city but the season of 1803-4 long bore the record for social sensations.

All the foreign representatives sent their governments long despatches concerning these petty embrolios, construing them into intentional national snubs or favors. Jefferson himself wrote a long explanatory letter to our Minister Munroe in which he said—"Mrs. Merry must behave or eat her soup at home." Doubtless these trivial experiments in democratic simplicity had their influence upon subsequent serious diplomatic entanglements of the three nations with the government of the United States which culminated in the war with England.

HEROES OF THE BATTLE OF POINT PLEASANT

BY DELIA A. McCULLOCH

FOR the cause of civilization the battle at the mouth of the Great Kanawha river was fought and no single battle of the Revolution gave such vast extent of territory to our Republic. The country beyond the Ohio was little known to the first settlers who came through the wilderness seeking homes but they had a great desire to explore and possess it. As Lord Dunmore expressed himself to Lord Dartmouth,—“they imagined the lands farther off were better than those upon which they had already settled.” The Indians were aroused to a high pitch of frenzy by the whites taking possession of their hunting grounds and especially the Kanawha valley. To intimidate the whites they made raids upon their settlements leaving behind them desolation and ruin. The men of Augusta and Greenbriar and other counties, who were farther removed from the frontier, organized bands of rangers to protect their homes and aid others in more isolated and exposed parts of the country.

Among these rangers were many of the prominent men of the colony who took part in the expedition that was sent out by Lord Dunmore to subdue the Indians and force them to a treaty. This was accomplished at Camp Charlotte as the result of the victory gained at Point Pleasant over the confederated tribes under their noted chief Cornstalk.

It will be interesting to know something of the history of these men. Instead “of glory awaiting them” many found lonely graves on the banks of the Ohio and Kanawha rivers, far from home and loved ones, and here they lie although one hundred and thirty-four years have passed away, without shaft or tablet to mark the spot or record their deeds of valor. This historic burying-ground should be dear to every American heart.

Of those heroes only those who were buried in the “maga-



MARCHIONESS CASA DE YOUJO
[From a portrait by Gilbert Stuart]

sine'', can be mentioned at the present, with the exception of General Lewis who was in command of the battle, and Colonel William Fleming. The list is long—of those gallant men who protected the frontier in the days "that tried men's souls", received their baptism of blood at Point Pleasant, and went out from there and covered themselves with glory in the battles of the Revolution which so soon followed. The most complete roster of these men is found in the "Dunmore War Book," of the Wisconsin Historical Society. The deed, to this forty-foot square reservation refers to this spot as, "the old burying-ground". It was made a reservation by Thomas Lewis, son of General Lewis, when he came into possession of it at his father's death, and first sold the land around it to Walter Newman who had fought in the battle. Thomas Lewis had it in his power to preserve this historic ground and did not fail in his duty in thus far honoring these men. The deed has been recently found among some papers of this old soldier who escaped and lived to "tell the tale" to eager listeners around his log cabin fire-side in after years in Mason county; and it is now among the papers of the Colonel Charles Lewis Chapter of Point Pleasant.

GENERAL ANDREW LEWIS

This noted commander of the southern wing of the army which was sent on the expedition against the Indians in 1774, was recognized as a man of superior ability and a great leader. Governor Dinwiddie spoke of him as "one who knew more of the woods and the Indian mode of war-fare than any other man in the colony." He was born in Ireland, in 1720, and was the third son of John and Margaret Lynn Lewis. His mother was the daughter of the Laird of Loch Lynn. He was but ten years old when he crossed the ocean with his mother and brothers to join in the new world his father who had fled from Ireland, after having slain the Irish lord Sir Mingo Campbell, who unjustly came with an armed force to eject him from his castle.

John Lewis escaped to America, arriving in 1730. There is a difference of opinion among those who should have been informed whether he came direct to America or found his way into Portugal and from there to America. Mrs. Agatha Towles, a

grand-daughter, in a brief memoir written in 1837, states that John Lewis took refuge in a house on the banks of the Boyne, and, as a ship was ready to sail, embarked for America. He waited at Philadelphia for his family and fearing any longer to dwell near the seaports he went with them down into Virginia and on into the wilderness of Augusta.

He first located on Middle river about three miles east of the now macadamized turn-pike and soon removed on a creek two miles east of Staunton which he named "Lewis creek." Here he built a stone house which served as a fort, and was known as "Fort Lewis," and is said to be still standing.

In this wilderness Andrew Lewis and his brothers grew up as sturdy back-woodsmen with every qualification necessary for the life on the frontier; and as leaders of rangers and surveyors and builders of forts they made themselves famous in the colony of Virginia in its infancy.

The loneliness of this life led to frequent intercourse with neighboring settlements; their broad domain, which furnished fine sport in hunting at that day, and their great hospitality brought them in touch with the prominent men who came to the seat of government at Williamsburg from "merrie England" in search of adventure. Andrew Lewis, with his father as a companion became a surveyor for the Greenbriar Land Company, and it was during this survey that the name of Greenbriar was given to that beautiful mountain stream on whose banks they found a peculiar long green briar that suggested the name.

Andrew Lewis was over six feet tall, with a commanding presence that so impressed the governor of New York that he made the oft repeated remark "that the earth seemed to tremble as he walked."

He was very reserved, and austere and a strict disciplinarian which oftentimes made him unpopular. He married Elizabeth Givens of Bath county, Va. At the time of the great defeat of General Braddock, General Lewis seemed to have been lost, if we should judge from the various dispatches sent to him by Governor Dinwiddie, which would lead one to infer that he was not with Braddock, although his grand-daughter states that both her

father, William Lewis, and her uncle Andrew, were in that battle and defeat.

In 1758 he was with a detachment of General Forbes' army under Major Grant; they were defeated, and surrendered as prisoners and were taken to Montreal. Major Grant laid the blame for the defeat on General Lewis who challenged him and on that officer's refusal to accept he very indignantly before the French officers spat in his face. The Indians stripped him of his uniform but the French generously supplied him with a handsome one, trimmed with gold lace, a piece of which is still preserved, bright and untarnished, by his descendants. In 1765 he went with a party on the Sandy creek expedition sent out by Governor Dinwiddie which proved a disastrous campaign. He was one of the committee which treated with the Iroquois, at Fort Stanwix in 1768, and at Lochaber 1770. He was a member of the House of Burgesses and in the convention of 1775.

At the request of General Washington Andrew Lewis was made a brigadier general by the Continental Congress. Washington was his personal friend and had a high opinion of his military ability. He commanded at Williamsburg early in the Spring of 1776. It was the battle of Point Pleasant which gave lustre to his name and crowned his long laborious military life with glory. For the treatment that was given him by Lord Dunmore, in the wilderness, he had the gratification of driving that officer to his ships from Gynne's Island in 1776. On account of ill health contracted by long service in the army he resigned his commission in 1778; on his way home he died at the home of Colonel Talbort in Bedford county, and was buried on his estate "Dropmore", near Salem, Va.

In 1902 the remains of General Lewis were removed to the cemetery in Salem and the Margaret Lynn Chapter D. A. R. erected a handsome monument over his grave. An old paper, yellow with age, is preserved showing the disposition of his slaves, and in it are the names of his wife Elizabeth, his sons, Samuel, Thomas, Andrew and William, and his only daughter Anne. Unfortunately there has been no portrait of General Lewis preserved but one of his son Andrew, in an old medallion, has been used by the sculptor for his statue which is in the group

that surrounds the Washington Monument in Richmond, Va. The vote which placed it there was cast by Griffith Bennett Thomas, who died in 1906, being a member of the Virginia legislature at the time the vote was taken and representing Mason county, Virginia (now West Virginia.) General Lewis left at his death a large estate, part of which was his military grant, including the site of Point Pleasant which he willed to his sons, William and Thomas. His death occurred September 25, 1781.

COLONEL CHARLES LEWIS.

This brave officer, said to have been "the idol of the army," whose life was so full of adventure and reads like a romance was the American born son of John and Margaret Lynn Lewis, his birth having occurred March 11, 1736. He grew up in the mountains of Augusta, you might say to perfect manhood, and developed a character that made him beloved by all classes of men; his sad death at Point Pleasant cast a gloom over the whole colony. No petty jealousies robbed him of the honors he had gained or the preference shown him by his fellow soldiers without regard to rank. From boyhood he had engaged in the wars on the frontier and had many escapes, both from the Indians and the wild beasts of the forest. As a ranger he was noted and his journal of 1755 is preserved in the library of the Historical Society of Wisconsin. He defeated a raiding party of Indians on the South Fork of the Potomac in 1763, and went to the assistance of Boquet in the march on Fort Du Quesne in 1764. He was constantly in service, never at home more than one month at a time. He based his claim for land on his services as a ranger and received a tract in Kentucky. Colonel Lewis married Sarah Murry in 1760, the daughter of the widow Margaret Murry, born in 1743. Margaret Murry was a native of Ireland, of Scotch descent, and came to New York. She had two daughters, Sarah and Mary. She married Dr. John Cameron, who had followed Lochiel and espoused the cause of Charles the Pretender and after the battle of Culloden in 1746 escaped into Spain and came to New York. After his marriage he went to Norfolk and in 1759 moved to Staunton, Va., where for the first time no doubt Charles Lewis met Miss Murry. After moving to Staunton Dr.

Cameron set sail for Scotland to recover his estate which had been confiscated by the Crown, but the vessel on which he sailed was never again heard from.

Colonel Lewis was selected by Lord Dunmore to assist in raising the army for the expedition that was sent against the Indians and he was the first sent out to meet the Indians when they attacked the camp that beautiful October morning. Before his departure for the mouth of the Great Kanawha he settled his affairs and on August 10 made his will which was recorded January 17 after the battle of Point Pleasant. It seemed that he had a premonition of his fate. He was mortally wounded at the first charge and in the front ranks he fell encouraging and leading on his men. Amid the smoke of battle he passed out from the ranks and gave his gun to one of his men saying, "fight on, don't mind me." He was assisted back to the encampment and there in his tent, in great pain and agony, his beautiful life was brought to a close in a few hours. He was buried in the "magazine" with the other officers who were killed on the point in the forks of the two rivers. He left a wife and seven small children, the eldest being Elizabeth Lewis, born October 17, 1762, and the youngest, Charles Lewis, born September 11, 1774, and afterward a lieutenant with General Wayne. He married Jane Dickinson, daughter of Captain John Dickinson who fought in the battle of Point Pleasant, came to Mason county, West Virginia, in 1800, and died in 1802. His widow, in 1805, married Captain James Wilson and moved to Kanawha county.

Charles Lewis, son of the Lieutenant, married, in Mason county, Eliza Steenbergen, and at his death in 1841, left a widow and five children, all of whom died unmarried except the third and fourth children who still reside in the county with their descendants. Andrew Lewis and Charles Lewis, sons of Colonel Charles Lewis, when they came to manhood, settled in Mason county near the spot where their father died. Their beautiful farms lay on either side of Old Town creek which wound in and out through them and emptied into the Ohio river near where Cornstalk crossed with his crest-fallen army in hasty retreat after the battle. This point was well known to the Indians for here, about 1760, stood an Indian village which no doubt had

been abandoned on account of the floods in the Ohio river. On these farms were Indian mounds and many relics were found by Thomas Lewis when he settled upon it.

COL. WILLIAM FLEMING.

This soldier, next in prominence to General Lewis and his brother Charles Lewis, combined surgical skill with his military education and training. Graduated as a surgeon from the University of Edinburg he saw service in the British Navy and in the wars with Spain had been a prisoner in that country. He was born in Jedborough, Scotland, February 18, 1729.

He arrived in America just after the defeat of General Braddock. Serving with Washington as a surgeon and with Forbes as a lieutenant, in the campaign against fort Du Quesne he was sent after the Cherokees in 1760-61, and was practicing his profession in Staunton in 1762. He married Ann Christian, daughter of Israel Christian. His home, named "Belmont," was in Botetourt county, Virginia, (now Montgomery) where he removed in 1769. He went on the expedition as colonel of a Botetourt regiment and was ordered out at the same time with Colonel Lewis to meet the Indians. He marched up the Ohio bank on the left having with him 150 men and was wounded through his lungs and arm, only a few minutes after Colonel Lewis left the field, his wounds being thought at the time to be mortal. When the troops crossed the Ohio he was left in charge of the garrison.

By the thirty-first of October he had recovered sufficiently to leave the garrison for home. He set off from camp in a canoe with four watermen and Captain John Dickinson up the Kanawha river. After a long and painful journey he reached his home on the twenty-second of November and in his own words, noted in his journal, "reached home in safety, being just 3 months gone, Praise be to God." His wounds rendered him unfit for revolutionary service, but he was a member of the Continental Congress in 1779-80. He was a member also of the Governor's Council in 1781 and, in the absence of Mr. Jefferson from Richmond, for a short time filled the office of Gover-

nor. He died at "Belmont" and was buried in the family burying-ground. He left three sons and four daughters.

COLONEL JOHN FIELD.

This old hero and warrior was born in Culper county in 1720. His father was John Field who settled at Jamestown, married Miss Byrd, and left a large family. Two brothers came over from England in the early years of the colonies. William Field settled in Boston and his old home is now known as "Fields Corner." Colonel John Field, the subject of this sketch, was sent to England to be educated and after a college course obtained a commission in the British army. He came over with General Braddock and was in the disastrous defeat of that general. The family records claim, "that after Braddock was wounded the remnant of the army was saved by John Field and Washington."¹¹ He was in service throughout the French and Indian war protecting the frontier and was with Forbes in his march against fort Duquesne. He was also major Bouquet in 1764. He served in the legislature in 1765, and was made a colonel of militia in 1766.

In July, 1774, he was out on the Kanawha at Kelly's cabin on Kelly's creek. At this time his companion Kelly was killed by the Indians and his son Ezekiel and a negro maid were taken prisoners. Colonel Field escaped, running all the way to Greenbriar, without food or clothing, except a shirt; his limbs were torn with the briars and underbrush through which he pushed his way in his mad flight to escape, and when he reached the settlement he fell from exhaustion. He was so enraged at the Indians, that he got permission from Lord Dunmore to accompany the expedition, raised an independent company in Culpeper county and set out with the army. Owing to his out-ranking General Lewis he felt dissatisfied, withdrawing from the main army and marching another route, being familiar with the country. Finding his company was being followed and watched by Indians, he became alarmed and returning to the command of Colonel Lewis became reconciled to that commander. In the battle he took a conspicuous part, and after the

wounding and withdrawing of Colonel Fleming and Colonel Lewis he took command. In a short time he was killed, but not before he had restored confidence in the troops and checked the panic of the men, caused by seeing their officers leave the field, and the furious charge of the Indians. Colonel Field was buried in the "magazine," his name being mentioned among the number of killed in all of the reports sent out from the battle field, and among those who were buried in the "magazine."

The records show that Colonel Field was a man of education with a fine military training and vast experience in the wars of two countries. He had the confidence of his superior officers, and was always to be found at the front in a battle. He possessed great love for adventure and had remarkable power of endurance. He was of fine appearance, six feet and four inches tall, with a splendid physique and dark hair and eyes. He owned a large plantation in Culpeper county and was a tobacco grower. A palatial residence and enough of this world's goods to make life enjoyable were his, but love for adventure and army life was more to his taste. He left a family of four daughters and five sons.

A great difference of opinion exists among the descendants of Colonel Field as to the name and family of his wife. Some say she was the sister of George Roger Clarke, and others that she was his aunt. The strangest part of his history is preserved by his descendants in the statements of Ezekiel Field's wife that he survived the battle of Point Pleasant. Ezekial Field escaped from the Indians and served in the revolution; at its close he married his cousin, Elizabeth Field, of Culpeper county, moved to Kentucky where he was killed by the Indians at the battle of Blue Licks in 1782.

Captain John Murry commanded a Botetourt company under Colonel Fleming. He was a brother to the wife of Colonel Charles Lewis and half brother to George Cameron and Charles Cameron of Bath county. He was a brave officer and lost his life in the battle. Charles Cameron went over the Kanawha river hunting, and, hearing the noise of battle, came back and found the sad news awaiting him,—his brother, half-brother, and his brother-in-law, all slain.

CAPTAIN ROBERT MCCLENAHAN.

The troops that marched away from Camp Union felt very comfortable in having two good surgeons with them, Colonel Fleming and Captain McClenahan. The last named brave officer was a son of the emigrant of the same name and came to Augusta county at an early day, the exact date not being known. His mother was Sarah Breckinridge, a daughter, or sister, of Alexander Breckinridge. If a daughter her name was not given in his oath of importation, but she was the wife of Robert McClenahan when the family came to the valley. His two brothers and his father were prominent in the military affairs of the colony. His father bought from Robert Beverly a tract of land in 1748 and on this farm, located south of the town of Staunton, the McClenahan brothers were brought up. Robert McClenahan was the friend of Captain John Stuart, the distinguished pioneer and soldier, and one of the most scholarly men of that day. With Captain Stuart and William Rennix they made the first permanent settlement in Greenbriar county, near the present town of Frankfort, in 1764.

Robert McClenahan married Catherine Madison, a noted belle of Augusta county. He left his young wife and two sons when he marched with the expedition. He raised his company in Botetourt and they were with the re-inforcements sent out after the wounding of Lewis and Fleming. He was mortally wounded, died the night after the battle and was buried in the "magazine." His widow married the gallant soldier William Arbuckle, who fought in the battle; they came from Greenbriar to fort Randolph and lived during the troublesome times that afterward followed. Two children were born to them in the fort; their eldest was born in fort Donnelly, near Lewisburg. The grave of Catharine (Madison-McClenahan) Arbuckle is to be seen beside that of her second husband in a quiet little graveyard on the Kanawha river; and a stranger would never know from the modest epitaph that Kitty Madison who had lived through such stormy days in and around fort Randolph, rests there. Her two sons went to Kentucky and their descendants are scattered over the west. Alexander McClenahan, brother

of this Captain Robert McClenahan, was captain of an Augusta company, survived the battle and fought in the Revolution. He was made colonel of the Seventh Virginia Regiment. He resigned in 1778, and was made clerk of Augusta county. His wife was a sister of Patrick Henry's first wife. He had one son, who died unmarried, and two daughters. He was at the battle of Great Bridge near Norfolk, Va., December 9, 1775, in which every British general was killed without loss to the Virginians. He served under Andrew Lewis at Williamsburg, in 1776.

LIEUTENANT HUGH ALLEN.

The Allens were a prominent family of Augusta county at an early day, and came from Ireland about 1745. William Allen was the emigrant. The name of his brother is not mentioned by the historian of Augusta county, Joseph A. Waddell, but he says that Dr. Allen, who practiced in the neighborhood of stone church, was a grand-son. William Allen had three sons. The eldest son, James Allen, was born in Ireland and came over with his father. Hugh Allen and John Allen were born in Augusta. John Allen was a lieutenant with General Braddock, and lost his life. Hugh Allen and James Allen married sisters, daughters of John and Jane Anderson. Governor Gooch of the colony appointed John Anderson one of the first magistrates upon the organization of the county, October 30, 1745, which shows his standing at that time. Hugh Allen and James Allen were both in the battle of Point Pleasant.

Hugh Allen served in the Shawnee expedition of 1756 and in the fall of the same year was sent by Governor Dinwiddie with a message to the Chief of the Cherokees. In 1773 he received 2,000 acres of land for his services. When he went with the expedition he left behind a wife and two sons. He was a lieutenant in Captain George Mathew's company from Augusta county and was killed in the battle. A small sapling, behind which he found shelter, had sixty or seventy bullets in it, and he was finally killed by an Indian getting in his rear unobserved. His brother escaped and in writing home said: "I buried Hugh alongside of Colonel Charles Lewis and placed a stone at his grave, before crossing the Ohio river with the troope." Civil-

zation has long since displaced the stone, but in 1874 when an examination was made of the graves three skeletons were found side by side; one was identified as that of Colonel Lewis by the location of the wound, and also a fragment of the log tree coffin. Who was the third?

The widow of Hugh Allen married William Craig who was born in 1750 and died in 1829. They had three daughters and one son.

In 1783 the sons of Hugh Allen went to Kentucky with a large company of Allens and Trimbles and they are the ancestors of those prominent families of that name in Ohio and Kentucky. James Allen remained in Virginia and had two sons and eight daughters. He died in 1810, ninety-four years old, and was buried at the old stone church near Staunton, where he had been an elder for sixty-four years.

CAPTAIN JAMES WARD.

Captain James Ward was born in Ireland about 1727 and came to America when an infant with his parents who settled in Augusta county. In 1749 he married a daughter of Patrick Lockhart. They suffered severely from the Indians. A brother was carried away captive when a child and grew up with the Indians, taking a wife from one of the tribes. In a skirmish with the whites he was killed by his brother, James Ward. James Ward, was a lieutenant in the French and Indian wars, and was with both Forbes and Boquet. In 1769 he moved with his brother-in-law, Mathew Arbuckle, (who was guide to Andrew Lewis' army through the wilderness at the time of the battle), to Greenbriar county. He was in the Boutetourt line and was mortally wounded, dying a few days after the battle, and being buried in the "magazine." He left seven children. Two sons were Kentucky pioneers.

COLONEL JOHN FROGG.

Colonel John Frogg was related to the Strothers of Virginia, being a nephew of Mrs. Thomas Lewis (who was Miss Strother); and he married her daughter Agatha. He was with the army

as sutler. He was killed in the battle and his wife afterwards married the distinguished pioneer and soldier, Captain John Stuart of Greenbriar county. Their daughter, Margaret Stuart, married Andrew Lewis of Mason county, West Virginia, born in 1772. John Frogg is said to have been a handsome, "happy-go-lucky" young fellow, and was a great favorite in camp. He made a target of himself for the Indian bullets in the battle, having on that morning a bright red jacket. Five Indians were found piled on top of him trying to get his scalp, no doubt thinking he was an officer of high rank.

CAPTAIN THOMAS BUFORD.

Captain Thomas Buford was of a well known family of Bedford county and his descendants are still to be found there. He commanded an independent company from Bedford, and was in the Boutetourt line. He left Camp Union, September 12, in charge of all the beeves and pack-horses collected for the use of the army. They were under Colonel Fleming and were the next troops ordered out to meet the Indians after the command of Colonel Lewis. Colonel Christian, who did not come up with his men in time to take part in the battle, received a warm welcome from the tired soldiers who had fought all day, until the sun had gone down. In a letter he stated "many of our wounded died since the accounts of the battle came in. I think there are near seventy dead. Captain Buford and Lieutenant Goldman and seven or eight more died whilst we were over the Ohio, and more will die." The Culpeper troops that went out with Colonel Field and what were left of Captain Buford's and Captain Pauling's were formed into a company by Captain Slaughter."

CAPTAIN HENRY PAULING.

Captain Henry Pauling is mentioned in connection with Colonel William Christian's militia company in 1764. In the battle with the Indians at Point Pleasant he commanded a Boutetourt company. He was very proud of his company and said—"they were the crack company and bore off the honors until the arrival

in Camp Union of the company of Captain Russell." He went into the battle when reinforcements were sent out with Colonel Field and was in the thickest of the fight. In Colonel Fleming's orderly book it is noted that Captain Pauling was severely wounded and died while the troops were over the Ohio and was buried with the other officers. In 1777, he was with Colonel Bowman protecting the settlers in Kentucky. He afterwards moved to Kentucky and was in the convention which ratified the constitution, being a delegate from Lincoln county. He voted against the Constitution. The next year he was in the Virginia assembly from the same county.

OTHER HEROES OF THE BATTLE.

Among the prominent families of Augusta were the Wilsons. John Wilson was an early settler, his name being in a list before 1745. He represented the county in the assembly for many years. He was in the militia of 1742. The Wilson family suffered in the raids made by the Chief Cornstalk and his warriors on Kerr's creek in 1763-64. An account of these affairs, dictated by a survivor, has been given by Mrs. Margaret Hanna, his daughter, who died as late as 1878. Captain Samuel Wilson was killed in the battle.

Little is known of the history of Lieutenant Goldman, except that he was in the battle and was mentioned as having been severely wounded and died some time after the troops crossed the river. He commanded in a Boutetourt company, and was buried on the point with the other soldiers.

There is little known of the history of Ensign Jonathan Cundiff or his ancestors. He was with Captain Thomas Buford's independent company from Bedford, and in the Botetourt line. He was killed in battle and buried on the point. He had two sons who emigrated to Kentucky and settled in Montgomery county.

Ensign Mathew Bracken was a surveyor and was with Hancock Taylor surveying in Kentucky in 1773. Hancock Taylor was killed by the Indians in 1774 on Taylor's Fork of Silver creek in Madison county. Ensign Bracken was in Captain

McClenahan's company, and was, no doubt, killed about the same time that his captain was mortally wounded.

A list of the privates who were killed or died from their wounds at the garrison was never made, but when the square was graded in 1901, the ground was full of skeletons of men who appeared to have been carelessly buried in trenches. They were buried again by the side of the other soldiers.

The words Liberty and Freedom seemed to have had an inspiration for these pioneers, and they were ever ready to take up arms in the defense of their mountain homes. It has been said that General Anthony Wayne's brigade was composed of Irish, and Scotch-Irish refugees from Ulster, and no truer men were ever found than those who fought the battle of Point Pleasant and the battles of the Revolution. I cannot close without paying tribute to these men who returned to the mouth of the great Kanawha and settled, after they were disbanded at Camp Union, those who so nobly did their part in planting the victorious standard around about their camp. They occupied the circle of cabins around fort Randolph until peace was restored and then went out, and the sound of their axes was heard up and down the valley from early dawn until the moon came up over the hills making ready for the log cabins, soon to be their homes. West Virginia should not stand alone in honoring these men. The tribute to them should be national. Every State should desire to have some part in the work of placing on the beautiful site that has been purchased near the site of old fort Blair, on the point, in the forks of the two rivers, where also the army of General Lewis was encamped, a suitable monument to the men who fought the battle of Point Pleasant.

THE DIARY OF AN OFFICER IN THE INDIAN COUNTRY IN 1794

CONTRIBUTED BY ERNEST CRUIKSHANK

THE following curious documents were found among the papers of the late Colonel William Claus of Niagara, Ontario, for many years the deputy-superintendent of the British Indian department for upper Canada. It seems probable that they were written by John Chew, an officer in the same department, for the information of Major-General Simcoe, the lieutenant-governor of the province. The party to which the writer was attached was apparently commanded by Captain Matthew Elliott, afterwards deputy-superintendent of the Western Indians. With the exception of a single short paragraph relating to Elliott's private affairs, the manuscript is transcribed verbatim.

Lossing alludes to the expedition of the Indians described in the journal in these terms:

"Wayne was compelled to wait until late in the summer of 1794 before he felt strong enough to move forward. Meanwhile the Indians appeared in force. On the 30th of June, about a thousand of them, accompanied by a number of British soldiers and French Canadian volunteers made their appearance before Fort Recovery, and during the day assailed the garrison several times. During these assaults the Americans lost fifty-seven in killed, wounded and missing and two hundred and twenty-one horses. The Indians lost more, they said, than in the battle with St. Clair."

Glaise, 14th June, 1794.

This day on our arrival here, we were saluted by a discharge of small arms; our party being fourteen in number, returned the compliment. The advanced party of the Indian army gives

information of their hearing the report of General Wayne's cannon from their encampment which is about sixteen miles south of this. Several Indians have been killed by the American scouts. A party was discovered a few days ago consisting of about twenty-six men, some on horseback; the Indians followed their trail but could not come up with them.

Sunday, June 15th.

The Ottawas and Wyandotts joined the army this day and were saluted by a discharge of small arms from a line of about six hundred warriors drawn up for that purpose.

Monday, June 16th.

This day a council of war was held at the Nuquijake Town—the result of which was “that every white man, either English or French, residing among, or getting their livelihood by the Indian trade, or otherwise, now within the limits of their country shall immediately join the Indian army to defend the territory in which their mutual interest is so greatly concerned; that their father (the English) had always told them to defend their country and they were happy to see us in this critical period in order to have our advice, consequently were unanimously of the opinion that they could not dispense with our presence at a juncture when the event would probably determine their future happiness. Resolved, therefore, that we shall join the army now in readiness to march.” A bunch of black wampum was handed to Captain Elliott in token of this determination.

Wednesday, June 18th.

The resolution of the army respecting us permitted us of no alternative but to prepare ourselves with all speed, which we this day set about and changed our mode of dress and put on the warrior's, which was correctly recommended for fear of mistakes in action.

Provisions begin to get scarce, so much so that our mess is a mere *scramble*, that is to say, he who eats the fastest reaps the best share of a small quantity. The little pork and flour which remained here was nearly out before we came, notwithstanding

Captain E—— talks of leaving some in case of Col. McKee's arrival. Our fare is very ordinary, nothing better than what the French call *grosse sacregieune*, which is Indian corn boiled whole. Tom will make an excellent campaigner, he generally comes off with the best share.

One hundred and twenty-seven Machinac and Saginaw Indians joined the army. They committed depredations and ravished the women in the villages where they had to pass, therefore Captain Bluejacket recommended those who are yet to join may be directed at the Rapids to follow the track of the Otter and his party to the general rendezvous at the Fallen Timber, and not to come this route, as those villages will be destitute of men and under no protection.

Thursday, June 19.

A large number of warriors marched off to-day to join the advanced army and to-morrow the last are to move. The number cannot be exactly ascertained, owing to their irregular distribution until the whole body is together, but it is supposed that the total at present cannot be much less than fifteen hundred.

Wampum, is so very scarce that enough cannot be collected to make up a belt in order to send with Blackbeard to the southern Indians on a matter of the utmost importance. Bluejacket says that the wampum he received was not for the Nuquijake chiefs but for his own purpose, and requests that the little pony may not be delivered to Knaggs, as the said Mr. Knaggs having no manner of claim.

It is to be lamented that five hundred spears could not be procured in time, as it is conjectured that Wayne's dependence is chiefly on his horse and riflemen. I am persuaded myself that spears would be the most effectual instruments to resist cavalry. It has been by invariable opinion that the best plan would be to starve out the garrison and cut off their retreat, considering the situation of the Indians and their active spirit over a vanquished enemy. I have endeavored to imbue this idea; whether it will take I cannot say. My confined latitude obliges me to subscribe my name.

J. C.

Camp at the old Fallen Timber, sixty-six miles south of the Glaise.

June 23d, 1794.

We left the Glaise the 20th, and only arrived here this day on account of our being obliged to encamp every day at one or two o'clock in order to give to the hunters, as our whole dependence is upon them for provisions, which they have supplied us hitherto in great abundance. The Otter and his party in their route from Roche de Bout killed forty deers and five bears. Tobacco and ammunition will shortly be wanted, and must be procured as soon as we are able to take a sufficient number of the enemy's horses to send for it. Remains at the Glaise about 140 bushels of corn of the quantity that was purchased from the traders, which amounted in all to about 313 bushels.

Camp at the Old Fallen Timber.

June 24th, 1794.

An express arrived from Buckengellis, the purport of which is that he had determined to take another route to the westward, and join the main army near Fort Recovery, in order to prevent the possibility of the enemy making a sortie on the towns without being discovered. We are now in camp 1,014 men exclusive of the Delawares, and a number of other parties that are daily expected from different quarters, which when together will amount to about 2,000.

Camp at the old Fallen Timber.

Wednesday, June 25th.

Sent off a reconnoitering party towards Fort Greenville, where we understood the main body of the enemy lies. Although Buchengellis' division was to move on the 20th along with the remainder of the Glaise Indians, intelligence is just received that he had not moved on the 24th, a circumstance very extraordinary, and (which) cannot be accounted for excepting the rum that was brought to the Glaise by Roundhead's sister and Ducbouquet's wife had got among them. Fifty Saginaws arrived.

Camp on Kettle Creek, eighty-two miles from the Glaise.

Thursday, June 26th.

This day we marched south by west in open files, leaving an

interval of about ten rods between each; our hunters at the same time scouring the woods on our flanks and ahead of the army. Yesterday deserted from the army seven Indians living at the mouth of the Detroit river. Our hunters espied a scouting party of the enemy dressed like Indians.

Camp ninety computed miles from the Glaise.

Friday, June 27.

Marched this morning from Kettle Creek west about four miles, crossed Harmar's track, and came into a road made by the enemy last winter thirty-four miles in length from Fort Greenville, followed the said road S. S. W. four miles, and encamped about twelve o'clock to give time to the Wyandotts and others in rear to join. Forty Miamies joined. Sent off two parties on a *diconvert*. One of these met a party of Chickasaws, killed one and brought in his scalp.

The White Loon, a Seneca, came from the Ohio and says that a vast number of troops, wagons, etc., came across that river and reached to the forts in number about 3,000. The Delawares have behaved shabbily. We have not yet seen them. We expect the Wyandotts to join to-day. The bearer of this goes off with a green scalp of one of the Chickasaw spies in order to hurry up the rear. Borrowed from Blanchette 73 lbs. of powder and 80 lb. ball to be returned at the rapids two for one. A few days now will produce interesting events.

(*To be Continued*).



ADRIAENS VANDER DONCK'S MAP OF NEW NETHERLAND, 1656

ORIGIN AND ANTIQUITY OF HERALDRY

VI

CONTINUATION OF THE CONSIDERATION OF ANIMALS USED IN HERALDRY, THEIR ORIGIN AND THE SENTIMENTS WHICH ARE REPRESENTED BY THEM.

BY HENRY WHITEMORE

THE eagle with two heads is frequent in the arms of other nations. The Macdonalds of the Isles carried for arms, or, a double eagle, displayed gules, surrounded by a lymphad sable, and in the dexter chief points a right hand couped gules; supporters, two bears with arrows sticking in their bodies, all proper; crest, a ram sable standing on a rock azure.



Eagle displayed.

Donald Macdonald, of Meydert, captain of Clan Ronald, carried arms, quarterly, first, argent a lion rampant gules armed, or, second, or, a dexter hand couped in fesse, holding a cross crosslet fitched gules; third, or, a lymphad or galley with the oars saltier-ways, and in base, a salmon naiant in a sea vert; fourth, argent, an oak tree vert, surmounted by an eagle, or; crest, a castle proper; motto, "My hope is constant in thee."

The Donaldsons, being Macdonalds originally, carry the figures of Macdonald, viz: Arms, or, a double eagle with wings displayed, surmounted by a galley or lymphad, sable, armed or

langued gules; in the dexter chief canton a left hand coupé of the last; by Alexander Donaldson of Hilton, with a mullet for his difference.

The name Atchinson carries arms, an eagle with two heads displayed sable, or, a chief vert, two mullets or. The chief family of this name was Atchison of Gosford. James Dunlap, of that ilk, carries the same, with a mullet for difference, and crest, a rose proper.

When the eagle has but one head and is displayed, the French do not use the word *eployé*, supposing that posture when the wings are expanded to be natural to the eagle in armories, as the term rampant to the lion; but the term *eployé* they give to the eagle with two heads. The English say, gules, an eagle displayed argent, crowned, beaked, langued and membered azure and decked sable. Decked, or *marquette*, is said of an eagle and other birds when their feathers are trimmed at the edge with a small line or purfel of another tincture.

An eagle displayed with one head is the armorial figure of Carnegie. The principal family of the name was designed of Carnegie from which land occur the surname, and the armorial bearings; or, an eagle displayed azure. John de Carnegie got a charter of confirmation of the lands of Carnegie in the barony of Panmure from King David II. The family of Carnegie of that ilk became extinct, and the next principal family of the name was Carnegie of Kinnard. The first of it was Duthacus, a descendant of Carnegie of that ilk, who got a charter from Robert Duke of Albany, governor of Scotland, of half the lands of Kinnard in 1409.

From him was lineally descended Sir Robert Carnegie of Kinnard. He and his predecessors are said to have been cup-bearers to the English kings, and in recognition of this service they carried a cup of gold on their eagle to indicate their office. This Sir Robert Carnegie was sent as ambassador to France by the earl of Arvan, duke of Chattleherault, governor of Scotland, and his grandson Sir David Carnegie of Kinnard, was made, in the year 1595, one of the senators of the College of Justice. By Euphanie, his wife, daughter of Sir David Wemyss of that ilk, he had David his son and successor, and other sons. This

David was also made one of the senators of the College of Justice by King James VI., and afterwards was made a lord of the parliament by the title of Lord Carnegie, in 1616, being again honored by the title of earl of Southesk, the 22d of June, 1633, by King Charles I.

Sir John Carnegie, brother of David 1st of Southesk, bore arms, or, an eagle displayed azure, beaked, armed and membered, sable, within a bordure gules, supported by two leopards, and a demi leopard for crest; motto, *Tache Sans tache* (A work without blemish).

The surname of Ramsay carries arms: an eagle displayed sable, in a field argent, for the reason, it is said that they were originally from Germany. Archibald, earl of Douglass, lord of Galloway, and Annandale, granted a charter in the year 1414, to Michaeli de Ramsay, from whom was descended Sir George Ramsay, of Dalhousie, who was created a lord of parliament by King Charles I., the 19th of June, 1623. William, Earl of Dalhousie, a descendant, had arms, argent, an eagle displayed sable, beaked and membered gules; crest, an unicorn's head, coupé. argent and maned or; supporters, two griffins with wings displayed or; motto, *ora et labora*.

The eagle sometimes bore an arms of divers tinctures after the form of partition lines, as also lozenge and cheque. The Kingdom of Moravid of old, and though now but a marquesate, carried arms, azure, an eagle displayed *cheque*, or and gules beaked and membered of the last.

When there are more than three eagles in one field they are termed eaglets, that is, young eagles, except there be an interposition of one or the other of the ordinaries between them. Sir James Balfour, in his blazon, gave the name of Paterson as arms, sable, on a cross cantoned with four lions' heads, erased, argent, five eaglets of the first.

When the eagle or eaglets are represented in arms displayed without beaks and feet, they are then called alerions, and by the Latins, *aquila, mutilae, hoc est rosteris et cruribus exute*; they are said to be carried as marks of voyagers beyond the seas and of wounded soldiers.

The proper position of the eagle is to be displayed, but some-

times it is carried in arms standing, with wings closed, then it is said to be perching; when the wings are somewhat lifted up it is rising. Demi-eagles are either issuant or naissant and their parts, as heads and legs, are either couped or erased.

Sir Robert Marro, of Farlis, Baronet, chief of the name, carries arms, or, an eagle's head erased, gules; crest, an eagle perching; supporters, two eagles, all proper. The first of the name was Donald, a son of Oscar Ro's, a nobleman in the county of Derry, upon the water Ro in Ireland, who came to Scotland with some forces to the assistance of King Malcom II., against the Danes; the king, for his good services, gave him the land of East-Dengwall, which he called Ferrin Donald—that is Donald's lands.

THE RAVEN. The Danes under the command of Swayen, king of Denmark, conquered England, where they unfurled the standard of the raven. This sign, called the bird of Odin, was believed to announce death to those who fought against it. The Danes, conquerors of England, being still pagans, worshipped the raven and the cormorant (sea-raven) of which they bore the images on their arms, banners, and signets. The black raven was exhibited on the royal shield as a silver ground. The Danes dedicated to the raven several places, which took from it the name of Raven's Wood, Raven's Glass, etc.

The royal seal bearing the bird of Odin, was continued by the Danish dynasty, and stamped on the parchment for the survey of lands imposed by the *Dane-gelt* or Danish tax. This was an imposition of one shilling on every hide of land. That first land rate known in England had been created, in 981 by Ethelred II. in order to purchase peace from the Danes, who exercised their piratical depredations over Britain. In 1041 the royal seal bearing the black ram was changed to a white falcon (hawk trained for sport) which was a fashionable bird among the clergy and nobility.

The Raven or Corbie "is a bird of prey called raven," says Gwilleim, "for its rapine, and was the ensign of the Dane when they invaded England. The surname of Corbet in England, carries arms, a carbie (or raven) proper." John Brampton in his "Chronicles of England" mentions the surname with

those that came to England with William the Conqueror; for arms in that age were for the most part canting, and some of that name are very early to be found in English charters. Robert Corbet is a witness in the instrument of inquisition made by David, prince of Cumberland, of the lands belonging to the church of Glasgow, and is also a witness in other deeds of that prince when king of Scotland, commonly called Saint David.

By the Chartulary of Kelso, Walter de Corbet is mentioned as a donor of the church of Markerston to the abbacy of Kelso, of which lands those of this name seem to have been proprietors, as also others being a considerable family. Avicia de Corbet was wife to Richard Marville, high constable of Scotland, who died in 1191, and in the charters of King Alexander II., Nicolaus is frequently to be met with as a witness. The Corbetts also possessed the lands of Arball, in the shire of Ross. Colonel Walter Corbet in the Scots regiment of Foot Guards was the heir male of that family.

Some of the landed gentry of the shires of Lamark and Dumfries, in Scotland, and also in England, used this device in their armorial bearings. Sir John Corbet, of Sloke, in Shropshire, had arms, or, a corbie proper, and Hugh Corbet, of Hardgray, had arms, argent, a raven sable.

Murdoch, of Cumlodden, had for his armorial bearings: arms, —argent, two ravens hanging paleways sable, with an arrow through both their heads fesse-ways; Crest—a raven rising sable, having an arrow thrust through her breast gules, headed and feathered argent; motto—*omnia pro bono*.

The Corrini in Rome had arms, or, a corbie volant, sable, and the Corveroe in Spain had arms, or, five rams volant in saltier sable.

CROWS.—These are likewise to be found in armories as relative to the name of the bearer as those of Craw, Crawford, etc.

THE HAWK OR FALCON.—These of old have adorned the ensigns and other regalia of the ancients, and are frequent in the armorial bearings of noble families. Some writers are of the opinion that they are more excellent in armor than four footed beasts, because they participate in more of the most noble elements, air and fire, than water and earth, as Aldro-

vandus in his "Treatise of Arms" says: "*Praedantiora sunt in ensignibus valatilia ipsis quadrupedibus nam uves aerem, magis & ignem, quae elementorum excellentissima sunt, aquium & terram participant.*" But, as has been observed before, the dignity of armorial figures is not drawn from the nature of the creation, but from the high dignity of the giver of crowns, and the quality of the bearers.

The hawk, or falcon is carried by many eminent families in Germany, as by the Falckensteinii. With the English the surname of Falconer carried for arms, gules, three hawk lures or. Afterwards, Falconer, of Halkerstin, the chief of the name, altered these to arms, or, a falcon's head proper issuing out of a man's heart gules between three stars azure, for the reason that one of the family married a daughter of Douglass, earl of Angus, the heart and star being the armorial figures of Douglass.

In a history of Normandy, published in the latter part of the seventeenth century, the writer says that it was anciently the custom for persons of quality to travel with warlike equipage when they had any military expedition on foot; and with that of the chase when the times were peaceable. Their strong attachments to the latter, and more particularly to hawking may be gathered from the severe laws they made relating to that sport. The bird upon the fist was a mark of great nobility and so sacred was this bird esteemed that we find it prohibited, in the ancient laws for any to give his hawk or his sword as part of his ransom. Severe fines were laid on those who should steal another hawk. Hence we find that the hawk or falcon was in those earlier ages considered the highest degree of nobility. On the outside of the residence of William the Conqueror, adjoining St. Stephen's Abbey at Caen, Normandy, are painted the figures of two of William's sons—Robert and William, each holding a falcon on his fist, and William holding the bird on his left fist is represented as feeding it with his right hand. We have several instances of this custom, having been prevalent among the painters, sculptors and engravers of former times. Robert de Betune, eldest son of Guy, earl of Flanders, was represented in his broad seal with a hawk on his right hand, and

in like manner others were represented on their seal. In the ancient historical tapestry preserved at Bayeux Harold, going on an embassy from Edward the Confessor, to William, Duke of Normandy, appears with a hawk on his fist, and so, in another part of the same tapestry, where he is depicted as on his journey to Eu, in company with George, earl of Panthiere, who is also then represented with a hawk on his fist. This was also frequently found on the seals of sovereign princesses and ladies of the highest nobility, as that of Margaret, countess of Flanders, wife of Baldwin, earl of Hanault; Joan, daughter of the same earl, and wife of Ferdinand, son of Sanchez, king of Portugal.

Edward the Confessor, surnamed the King of Monks, whose reign began in 1041, although not a sportsman, had a falconry in a wood near to his palace at Westminster, where numerous falcons and hawks were wintered to mew or moult; and hence this reception of cages called mews, took the name of King's Mews.

THE FETTERLOCK AND FALCON.—Edmund, earl of Cambridge, the fourth son of King Edward III., being credited duke of York by his nephew Richard II., assumed the badge of a fetterlock shut, bearing a falcon within it (1378). These signs, which were the first speaking arms of the royal house of York, were emblematic of the succession to the crown, from which Edmund



was locked up from all hope; and he added the motto: *Hic, hac, hoc, taceatis*, advising silence and forbearance to his sons. However, Edward IV., of the race of York, ascended to throne in 1461, and unlocked his golden fetterlock; he also created a falcon herald, which office he bestowed on Roger Malett. So fond was the king of this badge, that he built the apartments of

the prebendaries at Windsor in the form of a fetterlock in imitation of Edmund duke of York, who had built the Keep of Fotheringhay Castle in that form. In 1474 Edward IV. gave his golden fetterlock, unlocked and open to his second son, Richard, duke of York, implying the hope of succession open to his posterity.

The first to be met with on record of the family and name was Ranulph, son of Walter de Lenop, falconer to King William, as by that king's charter of lands were called Halkerton from his office; and the arms ancient and modern, are related thereto. From him was descended David, Lord Hallerton, whose grandfather, Sir Alexander Falconer, of Halkerton, was the first of the family that was dignified with the title of Lord Halkerton, the 29th of July, 1647; and upon the restoration of King Charles II., he was one of the senators of the College of Justice.

Sir James Falconer, of Phesdo, one of the senators of the College of Justice, carried; arms,—or, a falcon's head issuing out of a man's heart proper, between three stars azure, all within a bordure of the last, charged with eight plates; crest,—a falcon hooded; motto,—*Paratus ad aethera*.

This bird is carried in the same position with the eagle, and hath the same terms, but when it hath a hood, bills, viroils, and leishes at its feet it is said to be hooded, billed, fessed and leisbea.

THE COCK. —This is used as the emblem of watchfulness and herald of the approaching day and is frequently used in arms and devices; for its nature and royalty it is ensigned with a diadem, singular for its valor and mirth after victory. Heraldry are not wanting to make him a complete soldier in courage and armor, *cap-a-pie*, making his comb to stand up for a helmet, his chollars for a husk, his hook-bill for a falchion or cutlas, and his legs armed with spurs. When those are of a different tincture from his body in blazon he is said to be crested and barbed; and for his bill, legs, and spurs, he is said to be armed. The surname of Cock in England carries arms relative to the name; as arms, argent, a cock gules on a chief azure, a crescent between two stars of the first. Cockburn of that ilk, an ancient

family in the shire of Berwick, carried arms, argent, three cocks gules. Alexander Cockburn, of that ilk, chief of the name in the reign of Robert the Bruce had two wives, and by the first he had a son Ormiston; for his second wife he had the daughter and heiress of the Lord Weapont, and with her he got the lands of Lauton and Caridden on which he got a charter of confirmation of these lands from King David Bruce, after which the family was designed of Lauton, and by his office, (in King Robert II.'s reign) *Custus, Magne, Sigilli*; and by that king Alexander Cockburn de Lautown was made *ostiarius parliamenti*; which office continued in his successors, and afterwards was annexed to the barony of Lawton by a charter of King James IV., Feb. 20th, 1504.



Cockatrice.

Cockburn of Ormiston in East Lothian carried; arms,—argent, a fesse-cheque azure, and of the first between three cocks gules; crest,—a cock of the same; motto,—*In dubus constans*.

Patrick Cockburn, of Ormiston, kept out the Castle of Dalkeith for King James II., against the earl of Douglass, then a rebel. King James IV., granted a charter of the lands of Ormiston, in 1508, upon John Cockburn, younger of Ormiston, and his spouse, Margaret Hepburn, of whom was lineally descended from Adam Cockburn of Ormiston, one of the senators of the College of Justice.

THE PEACOCK.—This is known as a vain, proud bird, and some English heralds say that it shows the bearer to be an admirer of himself from which the saying *Laudato parvone superbior*; in armories; however, such creations are understood to be carried for their best qualities as for its beauty, as well as relative to the name of the bearer. When the peacock's fan

(or tail) is displayed, he is said to be in his pride. The surname of Peacock carries; arms,—argent three peacocks in their pride proper between as many stars gules; crest,—a peacock's head erased azure gorged with a mural coronet or.

There was one of this name in England—Rignald Peacock, bishop of Chichester, a secular doctor of divinity, who translated the Holy Scriptures into English, in 1547, and wrote several books against the Romish church; being challenged and threatened with persecution he recanted. When the feathers of this bird are down, or close, in blazon, he is said to be close, as in the arms of Francis Smith, Baron Carrington of Wolton, in Warwickshire, who had arms, argent, a cross gules between four peacocks close, azure.

THE PARROT.—This bird is frequent in arms, and especially as Menistrier observes, in the old families of Switzerland, occasioned by two great factions there in the year 1262, which were distinguished by their ensigns; the one being a red standard with a white star, and the other, a white standard with a green parrot; and the families concerned in these factions carried in their arms either stars or parrots which they transmitted to their descendants.

Parrots of old were called *papingoes* in England, and were carried by the ancient family of the name of Peddie, as referring to the name. Eustachius Pipdie is a witness in a charter of King Malcom IV. and Stephanus Pipdie, with Allanus de Swinton and Willielmus de Nisbet, are witnesses in the charter of Patricius Comes felius Waldeni Comitibus to the monks of Durham, in the reign of King William.

Of this name there was considerable family in East Lathian, Pepdie of Dunglass, who carried arms, argent three *papingoes*, or parrots, vert. This family ended in one heir female, who was married to Home of that ilk, for which the families descended of Home have been accustomed to quarter these arms with their own. The name of Fairfont as relative to the name, carry the *papingoes* or parrots in their arms, argent, a cherum engrailed sable, between three *papingoes*, vert, membered, gules.

Lumley, earl of Scarborough, had for arms, argent a fesse gules, between three parrots, proper, each gorged with a collar

of the second. The surname of this family is from Lumley, on the banks of the river Weir, in the Bishopric of Durham, and the family derives its descent from Linulph, a person of great account in the time of King Edward, the Confessor. From him was said to be descended Thomas de Lumley, who was made governor of Scarborough Castle, by King Henry VI.; and by Edward IV., was made Lord Lumley by summons to Parliament, for the reason that he married that king's natural daughter; which title Lord Lumley continued in the family till the reign of King James I. of Great Britain. Their title becoming extinct through failure of male issue, was again revived by King Charles II., in the person of Richard, baron, and viscount Lumley of Lumley, and earl of Scarborough.

CRANES are carried in arms as emblems of virtue, and as relative to the name of the bearers. The crane is the emblem of piety and charity, and there are several English and German families who carry that device in their armories. Cranston, Lord of Cranston, carried gules, three cranes argent; crest, a crane sleeping with its head under its wing, lifting up one foot, holding a stone; motto,—thou shalt want ere I want. This family took its name from the lands of Cranston, both in Tervioldale and Lothian, which they possessed of old.

Thomas Cranston, of Mochrie, had gules, three cranes within a bordure unveiled argent; crest, a crane's head erased proper; motto, I desire not to want. Sir John Hall, of Douglass, baronet, had azure a chevron argent, accompanied with three crane's heads erased, or; crest, a crane proper holding in its left foot a stone.

THE SWAN.—A bird of great beauty and strength. The swan is frequently carried in arms. It is said to be the symbol of learned men and of one that best knows how to contemn the world and die with resolution. It is likewise carried as relative to the name of its bearers. The family of Swanbergi in Germany carry, arms, gules, a swan argent, beaked and numbered or. The swan is sometimes collared, and, as heralds say, gorged about the neck with an open crown, with a chain thereto affixed; and as some English heralds call it *cygnet royal*, as in the blazon of Sir Charles Pitsfield of Hoxton in Middlesex, who carried

arms, azure a bent engrailed argent between two cygnets royal proper.

The ensign of the country of Stormand whose capital is Hamburgh, carries arms, gules, a swan argent gorged with a crown or. The family of Swan, of Southfleet and Dentors Court, county Kent, have for their armorial bearings; arms,—azure, a chevron ermine between three swans argent; crest,—a demi talbot, salient, gules collared or. The family of Swanston, of Scotland, carry three swans, with wings endorsed of the field.

King Henry VIII. having reformed the Church of England and consolidated peace at home, went to France and took Bouleyn or Boulogne. English orthography not being yet fixed, this name was then spelt and pronounced Bonleyn. The arms of that city being a white Swan with a Burgundian cross, Henry assumed that badge on his flag, and marshalled it with his arms, Simon Newbolds was then created Bullorgne pursuivant the active intercourse between that baron and London, induced many innkeepers to make the sign of the Bouleyn swan, and one of them, near Smithfield, chose the name of Bonleyn mouth or font. The passage of the French swan into England was simultaneous with the desecration of the seal of the Fisher. This name was applied to the seal of St. Peter, which was stamped on the Roman bulls for the tithes, and the fox denominated Peter-fence in this land, abolished by Henry VIII.

THE PELICAN, vulnerate, and feeding its young with its blood, has often been used as the emblem of the Savior of the world, and also to denote the affection of parents for their children; and it is frequently used as a device of piety and devotion. Curpus Christi College, in Oxford, had for arms, azure, a pelican feeding her young, or; which was the device of Richard Fox, bishop of Winchester, founder of that college; he was lord privy seal and lord high chancellor of England in the reigns of Henry VII. and Henry VIII.; a great promoter of the marriage between King James IV. of Scotland, and Margaret, the eldest daughter of King Henry VII. of England.

This bird being often used as a pious emblem or device, is sometimes used in place of a crest, but when as an armorial figure in a shield of arms it loses its former representative

character and bespeaks a wily and dangerous foe. The name of Ormeston carries arms argent three pelicans feeding their young argent. Sir Hugh Patterson of Bannockburn had azure three pelicans vulned gules, or a chief embattled azure, as many mullets of the field; crest, a dexter hand holding a quill proper.

Sir Patrick Home, advocate, of Renton and Lumsday, second son of Sir John Home of Renton, sometimes one of the senators of the College of Justice, and justice's clerk, descended from a younger Home of Menderston, had four coats quarterly; first, vert, a lion rampant argent, armored and langued gules for Home; second, argent, three *papingoes* vert, for Pipdie of Dunglass; third, argent, three hunting horns, sable, stringed, gules, for Forrester; fourth, gules, a pelican feeding her young, argent, vulned proper, for the name of Ellen.

DUCKS OR CANNETS.—When ducks are represented without beaks or feet they are called by Favin *martlets*, but Minestries calls them *cannets*, for, says he, "*sont des cannets sans beak, et sans pieds, comme les alerions et les martlets*;" that is, cannets are ducks without beaks and feet, as alerions and martlets, and are distinguished thus: alerions are always displayed and full-faced; whereas cannets have their heads in profile as the martlets, and only differ from martlets in having longer necks and more curving than those of the martlets.

THE MARTLET, as above stated, is a bird without legs or beak. It is added to the family arms by the fourth of the junior



Martlet.

branches of a family, as the mark of their cadency. By the Latins it is called *meruld*. It is counted one of the birds of passage, that goes to and from different countries at certain seasons of the year, as the plover and dotterd and other birds of

that nature in England, which import expeditions and voyage beyond seas. Of old the martlet was carried by those who wen to the Holy Land to fight against the Saracens and Turks. Herald's say that the lack of beaks and feet denote wounds and strokes which the maimed and lame have received in such expeditions and voyages. The English give them legs, but very short and say that they cannot go or rise from the ground for flight as other birds, and so make their visiting place and nest on rocks and castles, from which they easily take their flight. They say also that the martlet is an agreeable mark of difference for younger sons to put them in mind to trust to the wing of virtue and merit, and not to their legs, having no land of their own to set their feet upon.

The name of Houston carries martlets. It is an ancient family early settled in the shire of Linlithgo whose armorial bearings are described as: arms,—or, a chevron chequy, sable and argent between three martlets of the second; crest,—a sand glass winged proper; supporters,—(borne by the family in right of their being ancient hereditary Barons of Scotland)—on either side a greyhound proper, collared and chained, or. Motto,—in time. Regarding the antiquity of this family it is said that one Hugh de Padevinan, obtained lands in Straggriff in the reign of King Malcom IV., which he called after his name Hugh's Town; and which became the surname of his descendants.

The name Baron carried arms, argent, a chevron between three martlets sable; and Baron, of Kinnaird, had arms, or, a chevron sable between three martlets gules, within a double tressure, counter-flowered of the last.

There was a family of the name of Baron (in the Dukedom of Florence) from Scotland; the first of whom accompanied William, brother to Achaius, to assist Charlemagne in his war, who settled in Italy. This family continued for a long time but failed at last. James Luterfoot, doctor of medicine, son of John Luterfoot, writes to the signet, and sometimes keeper of the privy seal, representative of the Luterfoots of Orchil, carried arms argent, a chevron, gules, between two crescents in chief azure and a martlet in base sable; crest, a swan proper, on its head a crescent mortant.

THE SWALLOW.—Noted as the harbinger of spring. The swallow is said in armories to denote one that is industrious, prompt and ready to dispatch business. It is a bird of the genus *Hirundo* of many species, among which are the barn swallow and the martin. They have great power of flight and feed mostly on winged insects which they seize while flying. The family of Swallow in England carry arms, barry of four gules and argent; on the last three swallows volant, sable. The family of Arundel in England carry swallows relative to the name; and that of their lands of Arundel in Cornwall from *birundo* a swallow. This family has been eminent in the West of England since the Norman Conquest.

King James I., of Great Britain, in the third year of his reign, to countenance the single merit, in Sir Thomas Arundel, created him a baron of England by the title of Lord Arnuld of Wardow, with limitations of that honor to the heir merles of his body; of whom was lineally descended Henry, Lord Arundel, who carried for his paternal arms the above blazon.

THE OWL.—This bird is of the genus *strix*, that flies chiefly in the night. The popular name is given to a group of nocturnal accipitrine birds comprehended under the Linnae genus *Strix* which has been sub-divided by later naturalists. Saville, Marquis of Halifax, had for his armorial bearings; arms,—argent on a bend sable three owls of the field; crest,—an owl as in the arms; supporters,—two lions proper, collared and chained or. Motto,—be fast.

Sir George Saville, of Thoonhill, baronet, for his dutiful and loyal support to King Charles I., in 1667, was created Lord Saville and Viscount of Halifax, and thereafter earl, and in 1682 advanced to the dignity of Marquis of Halifax. The Stacys of Nottinghamshire, carried arms, azure on a bend wavy between three owls or, as many fleur-de-lis of the first.

THE PHOENIX.—This fabulous bird is said to exist single, and is represented to be as large as the eagle. It was anciently held that only one existed at the same time, and lived 500 years, and that when its end approached it made a nest which being ignited by the heat of the sun, consumed the bird; but out of the ashes arose another phoenix. The phoenix was often used as an em-

blem of the Resurrection, sometimes with the motto, "*Resurgam.*" In armories it is considered the emblem of long life, piety, and love of children for parents; it is also carried by the name of Phenwick, or Fenwick, as relative to the name. The family of Fenwick, county Northumberland, descended from De Fenevyke, Lord of the Castell, and Tower of Fenwick in the time of Henry I., carried; arms,—per fesse gules and argent six martlets counterchanged; crest,—a phoenix in flames proper gorged with a mural crown; motto,—*perit ut vivat.*

Colonel George Fenwick one of the original patentees of the Saybrook Colony (afterwards a part of the Connecticut Colony) was a descendant of this family and as the representation of Lords Say and Seal and Lord Brooke, purchased the fort at the mouth of the Connecticut River. For more than two hundred years the body of Lady Fenwick, his wife, lay near the old fort; in later years it was removed to the cemetery near by.

THE GRIFFIN.—This chimerical creature has the head, wings and talons of an eagle with the body of a lion, with large ears. It is one of the principal bearings of heraldry, but chiefly as a crest or supporters. Guillim says that it "sets forth the propriety of a valorous soldier, whose magnanimity is such that he will dare all danger, and even death itself, rather than become captive." It is also symbolical of vigilancy and was made use of by the Phoenicians as an emblem.

Others claim that the griffin is the symbol of ecclesiastical and civil authority joined together; the first shown by the fore part of the eagle, and the civil power by the hind part of the lion. Still other authorities claim that the griffin by its fore parts represents wisdom joined to fortitude which should follow wisdom. It is frequent in arms, especially with the Germans. Those who have been, or are vassals and dependents and carry a line for their proper arms, whose own lords and patrons carried eagles, frequently carried this creation as composed of both.

(To be Continued).

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American Historical Magazine

• Illustrated •



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AND

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LYMAN HORACE WEEKS, Editor

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American Historical Magazine for 1908

Beginning with the third volume of the AMERICAN HISTORICAL MAGAZINE, many very pronounced improvements have been made in the periodical.

The size of the printed page has been enlarged, and the wide margin so much desired by book lovers is used. Each issue during the year will have at least one hundred and twelve pages, and some issues may considerably exceed that amount of reading matter. A strong feature of the magazine is that it gives more pages of purely reading text than any other current periodical, and at the same time is not so overladen with extraneous matter that it is bulky and disagreeable to handle.

It is exclusively an historical magazine and in the special field which it aims to cover, it has no superior in the United States as respects both the variety and the high literary character of its contents.

A particularly valuable feature of the magazine will be its illustrations. Heretofore occasional illustrations, in the form of steel plates and half-tones have been published, but during 1908 this illustration department will be very considerably expanded. There will be full page steel plates and photographic

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reproductions in every number, and also numerous illustrations in connection with the text. In its general use of steel plates the magazine will stand alone among current periodicals, none others having recourse to this artistic but at the same time very expensive method of illustrating.

A PICTORIAL LIFE OF LINCOLN

In the line of illustration, a contribution that will be of extraordinary historical importance will be "A PICTORIAL LIFE OF LINCOLN," which was begun in the January number with three steel plates and will be continued in successive numbers. A full account of this remarkable series of Lincoln pictures appears on one of the pages of the January number.

PORTRAITS OF REPRESENTATIVE AMERICANS

Scarcely of secondary value and interest is the "REPRESENTATIVE AMERICANS" series of portraits, reproductions from silver point drawings made especially for the American Historical Magazine, by the eminent portrait painter, Carl J. Becker. In the January number were portraits of President Roosevelt, and Joseph H. Choate, lawyer, publicist and diplomat.

ON THE READING PAGES

The literary contributors of the magazine during the year will include some of the foremost writers on American historical subjects.

The series of "POST-REVOLUTION LETTERS" which have been published during several issues of 1907, were continued in the early issues of the current year.

Papers on the "LOYALISTS OF THE REVOLUTIONARY PERIOD" will be contributed by the Viscount de Fronsac,

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whose article on the Honorable Matthew Forsyth was the leader for the January number.

The papers on "HERALDRY," by Henry Whittemore, the first of which appeared in the January number, will continue during the year.

Chapters of the "BOOK OF BRUCE," by Lyman Horace Weeks, the first of which appeared in the issue for November, 1907, will be continued in successive numbers of the magazine for 1908. Each installment of this interesting and valuable history of the Bruce family will be accompanied with steel plates and in addition there will be several colored plates.

Theodore Schroeder, the great authority on "MORMONISM," will contribute papers on that subject. A series of several controversial articles treating this subject from the mormon point of view and written by eminent Mormon authorities has been engaged. One of the most important of these papers will be from the pen of B. H. Roberts a member of the First Council of Seventies, and this will run through several issues. As its authorship indicates it is in substance official in character, and the answer of the Mormon church to the criticism of its opponents.

Descriptions of old New York City and of other historical localities from the pen of James V. Enton will appear from time to time.

In the March number was an exceedingly valuable and interesting article on "EARLY MASSACHUSETTS NEWSPAPERS," by Lyman Horace Weeks, the editor of the magazine. This was an historical review of the beginning of printing in New England, and it was accompanied with reprints of several

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of the first issues of the Boston News-Letter, the first American newspaper, and also one of the broadsides that preceded the appearance of that periodical. This article was illustrated with several reproductions of the early provincial prints.

Delia A. McCulloch, whose historical articles are familiar to readers of the magazine will be heard from frequently in 1908. She is now preparing for the magazine an article on "PROMINENT MEN IN THE BATTLE OF POINT PLEASANT," and this will be followed by the other papers from her pen.

Don E. Mowry, whose article on "Political Aspects of the National Judiciary," appeared in the January number will follow this with another paper on the same subject, covering the period of Marshall's chief justiceship, 1801-1805. This will begin in the July number.

One of the most important papers that will appear in the magazine during the year and undoubtedly one of the most notable that has been in recent times contributed to historical literature, is "DOUGLAS, LINCOLN, AND THE NEBRASKA BILL," by Albert Watkins of Lincoln, Nebraska, the first installment of which is in the May number. In this paper Mr. Watkins reviews thoroughly and forcibly the controversy between Lincoln and Douglas over the anti-slavery question, and takes a very pronounced position in giving to Douglas a meed of approbation and endorsement for the position that he maintained in that crucial period of the country's history, such as has not heretofore been accorded him. Mr. Watkins argues from declarations on the subject by the statesmen of that period and from other historical evidence, and makes out an exceedingly strong case that if the principles and political policies of Douglas had been followed the slavery question might have been ultimately settled without the occurrence of the Civil War.

Artist Proofs

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To Authors

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